

By Mr. McKINLEY: A bill (H. R. 15361) granting an increase of pension to Rhoda Workman; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 15362) granting a pension to Jennie Hall; to the Committee on Invalid Pensions.

By Mr. OLNEY: A bill (H. R. 15363) for the relief of the owner of the schooner *Itasca* and her master and crew; to the Committee on Claims.

By Mr. RADCLIFFE: A bill (H. R. 15364) granting an increase of pension to Julia P. Overacker; to the Committee on Invalid Pensions.

By Mr. RANDALL of California: A bill (H. R. 15365) granting a pension to Emily T. Minkler; to the Committee on Invalid Pensions.

By Mr. REED of West Virginia: A bill (H. R. 15366) granting an increase of pension to George Martin; to the Committee on Pensions.

Also, a bill (H. R. 15367) granting an increase of pension to George R. Robinson; to the Committee on Pensions.

Also, a bill (H. R. 15368) granting a pension to Joseph D. Blackwell; to the Committee on Pensions.

By Mr. RHODES: A bill (H. R. 15369) for the relief of Monroe Gann; to the Committee on Military Affairs.

By Mr. ROBSON of Kentucky: A bill (H. R. 15370) granting an increase of pension to Elizabeth Davis; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 15371) granting a pension to Andrew J. Shell; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4692. By Mr. BLAND of Missouri: Petition of numerous citizens of Missouri, advocating enactment of Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4693. Also, petition of numerous citizens of Missouri, advocating and urging enactment of Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4694. By Mr. CHINDELOM: Petition of August G. Wegener and 487 others, protesting against presence and conduct of colored French troops in the occupied German territory; to the Committee on Foreign Affairs.

4695. By Mr. CRAMTON: Petition of Roy B. Lyons, secretary, on behalf of Washington Grange, No. 1655, Washington, Mich., asking for the enactment of the French-Copper fabric bill (H. R. 11641); to the Committee on Interstate and Foreign Commerce.

4696. Also, petition of Mrs. J. M. Dodge, of Cass City, Mich., and others, asking for the passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4697. Also, petition of John Doepker, of Pigeon, Mich., and others, protesting against the presence of uncivilized colored soldiers of the French Republic in the occupied districts of Germany; to the Committee on Foreign Affairs.

4698. Also, petition of Lapeer Home Circle, of Lapeer, Mich., asking that the water-power act be amended so as not to apply to national parks and monuments, also for the defeat of the Fall's River Basin bill; to the Select Committee on Water Power.

4699. Also, petition of E. H. Scott, of Armada, Mich., and others, for an amendment to the United States Constitution which shall grant and guarantee the rights and privileges of citizenship to the members of the race of American Indians; to the Committee on Indian Affairs.

4700. By Mr. DARROW: Petition of the Philadelphia Bourse, in behalf of simplification in the matter of tax returns by individuals, firms, and corporations; also the Philadelphia Board of Trade, recommending that internal-revenue laws be so framed as to be simple in form and free from complex regulations as to filing reports or making statistical statements; to the Committee on Ways and Means.

4701. By Mr. DOUGHTON: Petition of the Woman's Club of Albemarle, N. C., indorsing the Sheppard-Towner maternity bill; to the Committee on Interstate and Foreign Commerce.

4702. By Mr. FULLER of Illinois: Petition of the Kankakee Chamber of Commerce, of Kankakee, Ill., favoring 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

4703. Also, petition of 90 ladies of the Dekalb, Ill., Women's Club, favoring the passage of the Sheppard-Towner maternity bills, S. 3259 and H. R. 10925; to the Committee on Interstate and Foreign Commerce.

4704. By Mr. KELLEY of Michigan: Petition of Homer L. Boyle, of Lansing, Mich., requesting legislation authorizing the President to call an international conference to relieve suffer-

ing caused by existing famines, etc.; to the Committee on Foreign Affairs.

4705. By Mr. MORIN: Petition of the Neville Island Civic Club, of Coraopolis, Pa., urging the immediate passage of the Sheppard-Towner maternity bill; to the Committee on Interstate and Foreign Commerce.

4706. By Mr. TINKHAM: Petition of American citizens of Boston, Mass., against the interference by America in Ireland; to the Committee on Foreign Affairs.

4707. By Mr. YATES: Petition of the Kane County Farm Bureau, by W. B. Richards, farm adviser, urging the passage of the French-Copper truth in fabric bill; to the Committee on Interstate and Foreign Commerce.

4708. Also, petition of the Railway Mail Association of Washington, D. C., by Mr. W. M. Collins, industrial secretary, urging the removal of the pledge of secrecy exacted of the railway postal clerks in connection with compensation and classification for the employees of the Railway Mail Service; to the Committee on the Post Office and Post Roads.

4709. Also, petition of E. B. Leigh, president Chicago Railway Equipment Co., of Chicago; the Haddorff Piano Co., of Rockford, Ill.; and the W. F. Hall Printing Co., all favoring the early passage of House bill 11984, the Nolan Patent Office force and salaries bill; to the Committee on Patents.

4710. Also, petition of the Hollywood Woman's Club, of Hollywood; the Suburban Civics Club, of Oak Park, by Mrs. J. H. Lee; Anna L. Fries, of Chicago; O. H. Call, of Princeton; and E. A. Elmenstrom, of Chicago, all of the State of Illinois, protesting against House bill 12466 and the water power act; to the Select Committee on Water Power.

4711. Also, petition of Hon. William L. Gleason, mayor of the city of Brockton, Mass., and the president of the board of aldermen and of the common council with reference to certain legislation regarding the fixing of the price of coal; to the Committee on Interstate and Foreign Commerce.

4712. Also, petition of A. L. Castle, president of the Channon-Emery Stove Co., of Quincy, Ill., urging the passage of legislation providing 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

4713. Also, petition of the Vermilion County League of Women Voters, by Mrs. Charles W. Fleming, of Danville; the Child Welfare Association, of Danville; and the Hollywood Woman's Club, of Hollywood, all of the State of Illinois, favoring the passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

#### SENATE.

MONDAY, December 27, 1920.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we would not be true to the trusts that have been committed to us if we undertook the duties of a new day in our own self-sufficiency or if we did less than invoke Thy blessing upon the labor of our hands and hearts. We look to Thee, the guide of all men, the judge of all men, and yet we have been taught to call Thee our Father and know that Thou hast an infinite interest in all that pertains to the welfare of our children. Grant us such measure of grace to-day as that we may do the things that are pleasing in Thy sight to forward the cause that is nearest to Thy heart, the cause of peace and justice and righteousness in the earth. For Christ's sake. Amen.

#### NAMING A PRESIDING OFFICER.

The Secretary (George A. Sanderson) read the following communication:

UNITED STATES SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D. C., December 27, 1920.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. CHARLES CURTIS, a Senator from the State of Kansas, to perform the duties of the Chair this legislative day.

ALBERT B. CUMMINS,  
President pro tempore.

Mr. CURTIS thereupon took the chair as Presiding Officer.

#### THE JOURNAL.

The reading clerk proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. KING and by unanimous consent, the further reading was dispensed with and the Journal was approved.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

H. R. 15344. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1922, and for other purposes; and

H. R. 15196. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of the soldiers and sailors of said war.

## PROPOSED ADJOURNMENT TO THURSDAY.

Mr. SMOOT. Mr. President, I move that when the Senate adjourns to-day it adjourn until Thursday next.

The PRESIDING OFFICER. Is there objection?

Mr. LENROOT. I shall have to object.

Mr. SMOOT. If there is any objection, I shall not insist upon the motion; I withdraw it.

Mr. HARRISON. I understood that the motion was agreed to.

The PRESIDING OFFICER. There is objection, and the Senator from Utah withdraws the motion.

## HOUSE BILLS REFERRED.

H. R. 15344. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1922, and for other purposes, was read twice by its title and referred to the Committee on Pensions.

H. R. 15196. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of these soldiers and sailors of said war, was read twice by its title and referred to the Committee on Pensions.

## CREDENTIALS.

The PRESIDING OFFICER laid before the Senate a certificate of the governor of the State of Washington, certifying to the election of WESLEY L. JONES as a Senator from that State for the term of six years, beginning March 4, 1921, which was read and ordered to be filed, as follows:

STATE OF WASHINGTON.  
Office of Governor, Olympia.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 2d day of November, 1920, WESLEY L. JONES was duly chosen by the qualified electors of the State of Washington a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1921.

In witness whereof I have hereunto set my hand and caused the seal of the State to be affixed at Olympia this 10th day of December, A. D. 1920, and of our State the thirty-second year.

[SEAL.]

LOUIS F. HART,  
Acting Governor of Washington.

By the Acting Governor:

W. J. KINGSLEY,  
Assistant Secretary of State.

The PRESIDING OFFICER laid before the Senate a certificate of the governor of the State of Kentucky, certifying to the election of RICHARD P. ERNST as a Senator from that State for the term of six years, beginning March 4, 1921, which was read and ordered to be filed, as follows:

I, Edwin P. Morrow, governor of State of Kentucky, do certify that Roy Speck, William Heyburn, and James H. Polsgrove constitute the board of election commissioners of the Commonwealth of Kentucky, and as such commissioners are duly empowered by the laws of the Commonwealth of Kentucky to execute and deliver the attached certificate of election.

In testimony whereof I have caused to be affixed hereto the seal of the Commonwealth of Kentucky.

[SEAL.]

EDWIN P. MORROW,  
Governor of State of Kentucky.

COMMONWEALTH OF KENTUCKY,  
Frankfort, Ky., November 22, 1920.

The undersigned, a board for examining returns of an election held on Tuesday, the 2d day of November, 1920, for United States Senator of the State of Kentucky, do certify that Hon. RICHARD P. ERNST received the highest number of votes given for that office, as certified by the secretary of state, and is therefore duly and regularly elected for the term prescribed by the Constitution.

ROY SPECK, Chairman,  
JAMES M. POLSGROVE, Member,  
WM. HEYBURN, Member,  
State Board of Election Commissioners  
for the Commonwealth of Kentucky.

Attest:

Mrs. T. H. VANZANT,  
Secretary State Board of Election Commissioners.

## PETITIONS.

Mr. NELSON presented a petition of members of the Onondaga Nation and the Tonawanda Band of the Seneca Nation of Indians, of New York, praying for an amendment of House bill

288 exempting them from its provisions, which was referred to the Committee on Indian Affairs.

Mr. KENDRICK presented a letter from the Alfalfa Commercial Club, of Washakie County, Wyo., favoring tariff legislation on wool, which was referred to the Committee on Finance.

He also presented a petition of the Carbon County Wool Growers' Association, of Carbon County, Wyo., favoring the so-called French-Capper truth in fabric bill, which was referred to the Committee on Finance.

Mr. KENDRICK. I present a resolution adopted by the Council of Industry, the Rotary Club, and the Lions Club, of Laramie, Wyo., favoring the Chamberlain highway bill. I move that it be referred to the Committee on Post Offices and Post Roads.

The motion was agreed to.

## COURTS IN CONNECTICUT.

Mr. BRANDEGEE. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 4682) to amend section 74 of the Judicial Code as amended, and I ask for its present consideration.

I will state for the information of the Senate that the bill simply provides an additional day for holding the district court in my State at Norwalk, in addition to the regular terms at Hartford and New Haven. In other respects the present law stands exactly as it is. That is the effect of the bill, and I ask that it be read.

The bill was read and considered as in Committee of the Whole, as follows:

Be it enacted, etc., That section 74 of the Judicial Code as amended be amended to read as follows:

"Sec. 74. The State of Connecticut shall constitute one judicial district, to be known as the district of Connecticut. Terms of the district court shall be held at New Haven on the fourth Tuesdays in February and September, at Hartford on the fourth Tuesday in May and the first Tuesday in December, and at Norwalk on the fourth Tuesday in April: *Provided, however,* That suitable rooms and accommodations shall be furnished for the holdings of said court and for the use of the officers of said court at Norwalk free of expense to the Government of the United States."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 4723) granting an increase of pension to David Granger (with accompanying papers); to the Committee on Pensions.

By Mr. KNOX (for Mr. PENROSE):

A bill (S. 4724) for the relief of Cornelius Dugan; to the Committee on Naval Affairs.

By Mr. WADSWORTH:

A bill (S. 4725) authorizing the President to dispose of certain arms and ammunition seized in pursuance of the act approved June 17, 1917, along the Mexican border; and

A bill (S. 4726) authorizing the Secretary of War to lease to the Bush Terminal Railroad Co. and the Long Island Railroad, for restricted use, the tracks of the Government railroad on the Army supply base at South Brooklyn, N. Y.; to the Committee on Military Affairs.

By Mr. HALE:

A bill (S. 4727) granting a pension to Charles F. Smith (with accompanying papers); to the Committee on Pensions.

By Mr. KENDRICK:

A bill (S. 4728) for the relief of J. S. Van Doren (with accompanying papers); to the Committee on Post Offices and Post Roads.

By Mr. McLEAN:

A bill (S. 4729) to amend section 7 of the act approved December 23, 1913, and known as the Federal reserve act, as amended by the act of March 3, 1919; to the Committee on Banking and Currency.

By Mr. RANDELL:

A bill (S. 4730) granting certain abandoned military reservations to the State of Louisiana; to the Committee on Public Lands.

By Mr. POINDEXTER:

A bill (S. 4731) authorizing the lease of school lands containing deposits of coal, oil, oil shale, or gas by the State of Washington for longer periods than five years; to the Committee on Public Lands.

By Mr. McCUMBER:

A joint resolution (S. J. Res. 231) to extend the time for filing applications for relief under the river and harbor act approved March 2, 1919; to the Committee on Commerce.



By Mr. WADSWORTH:

A joint resolution (S. J. Res. 232) permitting Chinese to register under certain provisions and conditions; to the Committee on Immigration.

#### AMENDMENT TO APPROPRIATION BILL.

Mr. JONES of Washington submitted an amendment intended to be proposed by him to the bill making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes, which was referred to the Committee on Appropriations, as follows:

At the proper place insert: "Seattle, Wash., Passport Bureau: For salaries and expenses of maintenance of the passport bureau, \$7,500."

#### SENATE MANUAL.

Mr. KNOX. I report a resolution from the Committee on Rules and ask for its present consideration. It is the usual resolution passed at this time of the year.

The resolution (S. Res. 411) was read, considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the Committee on Rules be instructed to prepare a new edition of the Senate Manual, and that there be printed 4,500 copies of the same for the use of the committee, of which 300 copies shall be bound in full cowhide and tagged as to contents.

#### COST OF RAILROAD FUEL.

Mr. NELSON submitted the following resolution (S. Res. 412), which was read, considered by unanimous consent, and agreed to:

*Resolved*, That the Interstate Commerce Commission is hereby directed to ascertain forthwith and report to the Senate the increased cost of railroad fuel to the railroads of the United States for the current year over the cost of the same to them for the year 1919, and to furnish in detail a statement of the tonnage of railroad fuel this year, its total cost, its average cost per ton, and the average cost per ton of last year's railroad fuel, to the end that the difference in cost between the two years may plainly appear.

#### EMERGENCY TARIFF.

The PRESIDING OFFICER. The Chair lays before the Senate a bill for a second reading.

The bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes, was read the second time by its title.

Mr. HITCHCOCK. Mr. President, the bill is now ready for reference?

The PRESIDING OFFICER. It is.

Mr. HITCHCOCK. I move that the bill be referred to the Committee on Commerce. In support of that motion, I draw attention to the fact that it is a bill whose purpose it is to impose an embargo upon the commerce of imports to the United States from other countries. It is not a bill to raise revenue. Its chief purpose, according to all the discussion, is a bill to regulate the commerce of the United States by erecting tariff barriers against the importation of certain commodities. Under those circumstances it seems to me evident that its proper reference is to the Committee on Commerce and not to the Committee on Finance.

Of course, on the merits of the question I hold very strong views. It seems to me that at this time of all others the country ought not to raise tariff barriers against doing business with any nation in the world. What we need above all other things at this time is to do business with the other countries. We have enormous exportable surpluses in the country. This year our exports will amount to \$3,000,000,000 more than our imports.

Our exports can only be paid for in cash or credits or products. It is obvious that they can not be paid for in cash, because we have such a large percentage of the gold of the world that practically speaking no other country in the world can send us any gold. Each of the other countries has impounded all the gold that it has and is clinging desperately to it. There are only two other ways in which the other countries can purchase our products from us. One is by credits and the other is by selling products to us.

We have reached a point where we all realize that credit is approaching exhaustion. During the present year we have sold to the other countries something like \$3,000,000,000 on credit, and during 1919 we sold to the other countries \$3,000,000,000 on credit. That credit is largely obtained in our banking institutions, and that credit is largely responsible for so exhausting the credit facilities of our banks that our own people have not been able to find adequate credit.

We out in the agricultural regions realize fully the serious need of credit. Our farmers who raise wheat and corn and hogs and cattle have not been able to secure enough credit; and so in the South those who raise cotton and other products

have not been able to secure enough credit, and have been compelled to dump their products upon the markets simultaneously, which has resulted in ruinous prices for them.

Now, in this situation, Mr. President, should we erect tariff barriers to prevent the other countries from selling us their products which will go to pay for the things that we ought to export? We have become a creditor Nation to an enormous extent, and we can not afford to erect these tariff barriers against all the rest of the world because we must, if we maintain any degree of prosperity, have a market for our great exportable surplus.

In view of the situation, it seems to me a shocking proposition to bring a bill of this sort into Congress, which proposes to erect great tariff barriers against our best customers and to rush that bill through Congress without a hearing, practically, almost without a meeting of the committees constituted for the purpose of considering such matters.

The bill that passed the House, as is well known, received very inadequate consideration, almost no hearings at all before the great committees. Here in the Senate the machinery is already set to rush the bill through without any hearings whatever, just upon somebody's assumption that the thing to do to bring relief to the agriculturists of the West is to erect tariff barriers against the rest of the world, tariff barriers which must inevitably interfere with the opportunity of the West to sell their products to the rest of the world.

In view of this situation, it seems to me the bill should go to the committee which has in charge the consideration of the commerce of the United States.

Mr. McCUMBER. Mr. President—

Mr. HITCHCOCK. In a moment I will very gladly yield to the Senator.

Mr. McCUMBER. I desire to ask a question upon the subject the Senator is discussing.

Mr. HITCHCOCK. I yield.

Mr. McCUMBER. I desire to ask what products we are sending to Australia in any way to offset the enormous quantity of wool that is coming in from Australia? What are we turning over to Canada in the way of agricultural products to offset the immense quantity of grain that is coming from Canada and which, as the Senator himself has said, we must export? The Senator spoke of the Canadians being our best customers. Certainly he can not say that Australia purchases a great deal from the United States.

Mr. HITCHCOCK. That is a very fair question; it is a question which the committee should consider and consider carefully; but the Senator from North Dakota is well aware that the trade of the world is not arranged on the basis of selling to any particular country an exact balance of what we buy from any particular country.

Mr. McCUMBER. Does the Senator fear that the committee will not give the matter adequate consideration?

Mr. HITCHCOCK. Mr. President, judging by what has already happened and the disposition that has been shown and the reports which are current, I understood that this bill was to be rushed through as an emergency measure and to have little, if any, consideration.

Mr. McCUMBER. I think the Senator is drawing conclusions that are not at all warranted. The matter has not come before the committee. I am certain that it will receive adequate consideration by the committee. I do not think the Senator will seriously contend that being a tariff bill, even though it might stop importations in some instances, still it should go to the Committee on Commerce any more than any other tariff bill should go to that committee.

I desired to allay the Senator's fear that the measure would not have fair consideration, and if the Senator will allow me, I wish to tell him exactly what protection, for instance, there is on wheat under the House proposal, in order that he may see that it would not be a very big economic barrier, when the difference of exchange is taken into consideration.

Wheat from Canada, say from Winnipeg, is at present, or was the other day, selling for \$1.85 per bushel in Canadian currency, while it was \$1.84 per bushel in Chicago at the same time. The difference between the exchange would average about 15 per cent. The 15 per cent would be equivalent to 27½ cents. Now, subtract the 27½ cents from 30 cents per bushel—which the tariff would average per bushel, as the House measure provides—and it would give the American producer just 3½ cents per bushel protection. We lived through the 30 per cent protection, and we got considerable imports. Even that 3½ cents protection per bushel is more than met by the difference between Canadian No. 1 northern wheat and American No. 1 northern, the Canadian requirement being higher than is the requirement for the same grade in the United States, which

would make an equivalent for milling purposes, I should estimate, of about 7 or 8 cents per bushel. So when we take these matters into consideration, and also the exchange, with the 3 or 4 cents protection, the American farmer would still hardly be on an even basis with the Canadian farmer.

Mr. HITCHCOCK. Mr. President, the Senator from North Dakota and I disagree radically. The idea of protecting the growers of American wheat is either a delusion and a snare or it is a confidence game; it is a gold brick given to them. Our wheat is sold upon the markets of the world, and if we do not meet Canadian wheat in our market we shall meet Canadian wheat in the places to which we export our surplus wheat. It is that export surplus which fixes the price of wheat. This country has raised seven or eight hundred million bushels of wheat—perhaps more—and it has an exportable surplus; it is exporting that surplus, and if the Canadian wheat does not meet our American wheat in Chicago it will meet it in Liverpool or in some other foreign market. The American wheat grower receives absolutely no protection whatever; and protection is not what the American wheat grower needs. What the American wheat grower needs at present is credit, and he needs with it an unfettered trade with the other nations of the world. He needs credit for his products, not only domestic but international. The American wheat grower of intelligence is not going to be deluded by the gold brick which is offered him into believing that this barrier against Canadian wheat is going to enable him to get a better price for his product.

Mr. President, the Senator from North Dakota speaks of Canada. I tell him that Canada is perhaps the very best customer the United States has. To Canada every year we export \$800,000,000 worth of products, and from Canada we import only one-half that amount; and yet, while Canada is only able to send to us one-half as much as we export to her, it is proposed to erect barriers against that which she is exporting to us. Such a policy strikes me as suicidal in this emergency.

I realize that there are people who think that the proposed tariff on wheat and corn and sheep and mutton and wool is going to be of some value; but I believe it will do an infinite amount of damage to the United States at this time to begin to erect barriers so as to interfere with trade with the remainder of the world. We have become a great creditor nation; we are almost in the position in which Great Britain has been in the past; and we shall be injured by anything that interferes with our trade. We have not only loaned \$10,000,000,000 of Government money belonging to our people to the remainder of the world, upon which they already owe us an enormous balance of seven or eight hundred million dollars of interest, but our bankers and our credit concerns have, as we know, advanced to the rest of the world \$3,000,000,000 last year, with another \$3,000,000,000 this year, with which to pay for the balance of trade. Now it is proposed to make that task harder and to put a still greater strain upon credit by erecting barriers against receiving their products here to help pay for those things that we ought to sell to them.

Mr. McCUMBER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from North Dakota?

Mr. HITCHCOCK. I yield.

Mr. McCUMBER. Let me see if I understand the Senator accurately. The Senator thinks what we ought to do is to find a market for our surplus of wheat, and that we ought to direct our energies toward marketing the surplus that we now have. Is that correct?

Mr. HITCHCOCK. What I say is that this country should be the last one in the world in this juncture to erect barriers against trade with the other countries—

Mr. McCUMBER. I know the Senator said that.

Mr. HITCHCOCK. Because we have a great exportable surplus. People in other countries of the world are starving for the wheat we are raising here; people in other parts of the world have the utmost need for the surplus cotton that is really rotting in this country at the present time.

Mr. McCUMBER. I understood that is what the Senator said.

Mr. HITCHCOCK. The people of other nations of the world have urgent need for the surpluses which we have in this country, not only of wheat and cotton, but also of wool. Only a little while ago the agents of Poland were over here and seeking to buy wool in this market, which is supposed to be overstocked. They found no means by which they could secure in the United States the credit which was necessary to buy the wool. They went to Great Britain; the British Government gave those Polish representatives the credit, and the wool was purchased in Great Britain and in Australia. We should be busy, in my

opinion, in this country providing individual credit to enable foreign nations to trade with us; but at the same time we are providing that credit we should be very careful not to erect any barriers against their paying us in products.

I yield to the Senator.

Mr. McCUMBER. I did not know but that the Senator had finished. If he has not, I will wait until he has concluded.

Mr. HITCHCOCK. I am showing, Mr. President, why I think this bill, whose name, in all honesty, should be "a bill to regulate trade and commerce with other countries," should go to the committee that has to do with and examines into matters affecting trade and commerce, and not to a committee that considers measures proposing to levy taxes. The purpose of the bill is not to raise taxes. The enactment of a bill to raise taxes has been by general agreement postponed until the next session of Congress. This bill has not that purpose; it is an embargo bill; it is devised as an embargo bill. It was concluded not to call it an embargo bill, but, in fact, it is an embargo bill. The report on the bill presented by the chairman of the Ways and Means Committee of the House, as well as the views presented by the minority of that committee, show by their arguments that it is designed to check imports into this country. Therefore, Mr. President, I move that the bill be referred to the proper committee, which is the Committee on Commerce.

Mr. McCUMBER. Mr. President, I think I have quite accurately followed the reasoning of the Senator. He says that foreign countries are starving for our wheat, and he wants to give them credit in order to help us send our wheat to them. He says the farmers in the West and Northwest want to get rid of their surplus, and in order to do so want to find a market for that surplus. That is true; I agree with that.

Mr. HITCHCOCK. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. McCUMBER. I yield.

Mr. HITCHCOCK. I hope the Senator will not aim to quote me in such an inaccurate way. I said that this country needs, above everything else, the unfettered opportunity to trade with the remainder of the world and that every barrier which is erected against the importation of anything from the other nations of the world makes it difficult for us to sell our products of whatever sort they are to foreign countries.

Mr. McCUMBER. The Senator spoke of the necessity of finding a market and of giving credit in some way to foreign Governments or to their people in order that they may be able to purchase our products. I agree with him upon that. I voted for the bill to revive the activities of the War Finance Corporation for that purpose, and we hope that it may assist us along that line. I think that measure may do some good; but before we can get a living price for our products in foreign markets or anywhere else we have got to be able to sell them abroad; we have got to find customers; and if it is difficult for us to find a customer for the 180,000,000 bushels of surplus wheat which we have on hand to export, is not the difficulty added to if we import into the United States 150,000,000 bushels in addition to that, thus increasing the number of bushels that we must export before we can hold our price up to a living standard? That is the situation with which we are met. Mostly on account of the difference in the exchange, we are receiving the entire Canadian surplus of wheat, which amounts to very close to 200,000,000 bushels. At the same time we are attempting to find a market for our surplus, so that it may be sold.

I have before me a letter from a man in my State who operates a large farm and who, of course, has to hire considerable labor. He tells me that the actual cost of raising his wheat this year was about \$2.50 a bushel. The market price is \$1.17 a bushel at the place where he lives. Of course, he is desirous of breaking even if possible. We do not object so seriously that the farmer should be made the "goat" in all instances, but we object to bearing so heavily upon him that he can not operate his farm at all. We want a little assistance; we want to close the opening of the top of the barrel while we are attempting to draw off a little of the surplus at the spigot. If all the Canadian grain is to come into the United States—I mean all, of course, that is for export—we have increased our responsibility and our export liability.

Mr. President, the Senator from Nebraska says that the provisions of this bill amount to a prohibition, to an embargo. The House bill, however, does not amount to anything, so far as wheat is concerned, for it would be practically of little or no value to the wheat farmer. I understood that in the House the bill would provide a tariff of 50 cents per bushel, or 25



cents per bushel with the rate of exchange taken into consideration, which would bring it up to about in the neighborhood of 50 cents a bushel. As a matter of fact, as I have shown you, we would receive under the House bill a protection, if you call it a protection, of about 3½ cents per bushel after making allowance for the difference in exchange. The Canadian wheat would come over just exactly the same. It would pay its small duty, and the Canadian farmer could still undersell the American farmer.

In my State, and in the entire northwest section of the country, all the way from eastern Montana to western Minnesota, which takes in the Red River Valley, I do not think we have more than a quarter of an average crop. Senators can easily understand, then, the extreme hardship in those sections of the country. When they have had to hire labor at excessively high wages, when the thrashing bill itself amounted to more than 30 cents a bushel, Senators can see how difficult it is for the farmers even to live through the winter. They are attempting to hold their grain until they can secure somewhat better prices; but with the Canadian crop coming in and supplying the deficiency, the withholding of their grain from market at the present time is giving them no benefit whatever. The price is still low.

Mr. President, while I could not under any circumstances vote for this bill as it comes over from the House, I hope it will be referred to the committee to which it properly belongs, receive proper consideration in the committee, and that at some time after our reassembling in January it may have full and fair consideration before the Senate.

Mr. SMOOT. Mr. President, I disagree with the Senator from Nebraska [Mr. HATCHER] that this is an embargo bill. This bill will not prevent the importation of wheat nor other items mentioned in the bill. It is a revenue bill, pure and simple.

Take the item of wool alone: To-day wool comes into this country free. Under this bill we impose a duty of 15 cents a pound on it. There is no question but a limited amount of wool will come into the country with a rate of duty of 15 cents a pound, and will yield a revenue, so the bill is a revenue measure. I might add other items in the bill as to which exactly the same thing is true. It is not an embargo bill in any sense of the word. There will be revenue derived from it; and as far as referring the bill to the Committee on Commerce is concerned, I do not think the motion is made in good faith.

Mr. HARRISON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. Yes; I yield.

Mr. HARRISON. I notice in this bill that unwashed wool carries a duty of 15 cents a pound.

Mr. SMOOT. Yes.

Mr. HARRISON. What was the tariff on unwashed wool in the Payne-Aldrich bill? I am sure the Senator remembers.

Mr. SMOOT. Eleven cents a pound.

Mr. HARRISON. In this bill washed wool has a duty of 30 cents a pound. What was it in the Payne-Aldrich bill?

Mr. SMOOT. Twenty-two cents.

Mr. HARRISON. And the duty on scoured wool in this bill is 45 cents a pound, with a compensatory duty of 45 cents a pound in addition to existing duties on the manufactures of wool. What was that in the Payne-Aldrich bill?

Mr. SMOOT. Thirty-three cents a pound. The duties carried by this bill are in the same proportion, as between wool in the grease, washed wool, and scoured wool, as the duties which the Payne-Aldrich bill provided; but I wish to say to the Senator from Mississippi that a duty of 15 cents a pound will not keep foreign wools out of the United States, but will at least limit their importation.

Mr. HARRISON. I ask these questions merely to show that this bill in every instance carries a larger tariff than was carried in the Payne-Aldrich bill, which the leaders of the Senator's own party condemned, and said was infamous.

Mr. SMOOT. Mr. President, this is a temporary measure. There never was a condition in the United States such as exists to-day with regard to most of the items enumerated in this bill.

Take wool, for instance, to which the Senator has referred. If there were not another pound of wool imported into the United States for two years, if there were not a pound of wool clipped from an American sheep for the next two years, there is enough wool in the United States to run the mills of the country for that time, with the exception of a line of very fine wools that come from Australia.

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. Yes; I yield.

Mr. REED. If there is enough wool in this country to last for two years, what good would it do to stop the wool from coming in?

Mr. SMOOT. Mr. President, as long as the foreigner can get American dollars for their wool, there will be enough sent in here to last us for three years, unless there is some kind of a temporary duty imposed upon wool. There is to-day over 20,000,000 pounds of wool on the way to our ports and will arrive just as quickly as the boats can land it here.

Mr. REED. Mr. President, if the Senator will pardon me, if there is two years' supply held in this country now, will the Senator tell us how keeping other wool from coming in at this time is going to help the woolgrower until that two years' supply is used up?

Mr. SMOOT. Why, Mr. President, it certainly will help the woolgrower with regard to next year's crop. It certainly will stabilize the market here to-day, and it certainly will give the American woolgrower a chance to sell his wool in competition with wools that hereafter will come into this country. I want to say to the Senator, too, that if there is a duty placed upon the wools that are coming in here now, the price of those wools will be higher. I do not want to deny it. I want to say frankly that that will be the case.

Mr. REED. So that it will raise the price of wool?

Mr. SMOOT. It certainly will.

Mr. REED. And who will pay that increase?

Mr. SMOOT. Mr. President, if the ultimate consumer pays only the amount of duty that the bill imposes upon wool, he will never feel it. I will take, for instance, the suit of clothes which the Senator has on. How much wool does he think is in it, and what does the 15 cents a pound duty enhance the price of the suit?

Mr. REED. This suit I got before the war, so I think it has some wool in it; but I think any suit of clothes bought now has very little wool in it. There ought to be some put into it.

Mr. SMOOT. So little, I was going to say, that it will amount to nothing. If you want to get at the cost to the consumer, you will have to find it from some other source than the producer of the wool, at the price at which wool is imported into the United States to-day. I saw an account only yesterday of quarter-bloods of South American wool being sold for 9 cents a pound. On that basis there is not a suit of clothes worn by a man in this Chamber the wool in which will cost more than 90 cents.

The Senator from Nebraska is very much worried over the matter of credits in connection with the exportation of wheat, and says the importation ought to offset our exportation of goods. Let us look at the situation just as it is. Why can not Canada finance her exportations of wheat and not have our market to sell in for cash? What country is there, outside of America, that can extend credits to foreign countries to purchase large quantities of wheat? As long as we are allowing Canada to ship her wheat into the United States, and receive our dollars for it, she is not compelled to extend or worry about credit in any foreign country.

The Senator refers to the question of Poland and England in connection with wool transactions. America did not sell her the wool, he says, because of the fact that she did not arrange a credit. England arranged the credit, and yet England owes us to-day more money than was ever paid by Poland for wool in the interest upon her obligations to the United States. How did she arrange the credit for Poland? Just the same as the United States would have had to arrange it. America did not arrange the credit, but England did. If, however, England had paid us the interest she was owing on her obligations to us, perhaps we could have extended credit without increasing our inflated currency.

Mr. President, it is not a question of making a tariff bill for the future; it is a question as to whether we want to save the industries mentioned in the bill from immediate ruin in many cases. No tariff act that can be passed is going to save half of the sheepmen of this country, because they are ruined to-day. Nothing can save them; but if a measure can be passed here that will at least give confidence to the men that have advanced the grower the money, to carry them on from year to year, so that they can sell a part of their product, it ought to be done; and that is all that this bill can do, if it does that.

Mr. President, as far as the motion of the Senator from Nebraska is concerned, to refer the bill to the Committee on Commerce, I take it for granted that there is not a Senator here who thinks this is a proper bill to go to that committee. It is

a bill that should go to the Finance Committee, and I have not any doubt but that it will go there.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Mississippi for a question?

Mr. SMOOT. I do.

Mr. HARRISON. The Senator is an expert on this subject. May I ask the Senator if he is in favor of placing frozen meats in this bill?

Mr. SMOOT. Certainly I am in favor of it; and if the Senator would go into the cold-storage plants of the United States, and see the hundreds of thousands of carcasses, if not millions of them, shipped from foreign countries, held in cold storage to-day, I think he would be in favor of it.

Mr. HARRISON. I want to say to the Senator that I am gratified to know that he is, because his party at the other end of the Capitol were not, and they did not place them in this bill, although an amendment was offered to that effect; and I shall be very much in favor of putting such a proposition in the bill.

Mr. SMOOT. I think the Senator from Mississippi will be in favor of putting anything in this bill in order to secure its defeat.

Mr. HARRISON. Yes; I am perfectly open about that proposition. I am very much opposed to the bill.

Mr. GERRY obtained the floor.

Mr. POMERENE. Mr. President, may I ask the Senator from Utah a question?

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Ohio for the purpose of asking a question?

Mr. GERRY. I do.

Mr. POMERENE. The other day the Senator from Utah [Mr. SMOOT] discussed very interestingly and very instructively the high price which he had to pay a few days ago for meat.

Mr. SMOOT. Yes.

Mr. POMERENE. Which was certainly a very exorbitant price. If the Senator had to pay that price for meat, there are a good many who would have to go without meat in this country, who could not afford to pay it. In view of that fact, does the Senator still think that there should be a tariff duty on meats?

Mr. SMOOT. Yes. Mr. President, the question of the cost of meat to the retailer is another proposition. The profits are made in the sale by the retailer to the consumer.

Mr. POINDEXTER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Washington?

Mr. POINDEXTER. Mr. President, I desire to make a point of order that this question is not debatable, and I cite this ruling of the Vice President, to be found on page 173 of Volume II of Gilfry's Precedents of the Senate:

During the morning hour Mr. NORRIS moved to refer a communication from the Attorney General to the Committee on the Judiciary.

It was a motion to refer a matter to a committee.

The VICE PRESIDENT (MR. MARSHALL). The Chair holds that during the morning hour the motion is not debatable.

I submit, Mr. President, in support of that that the entire spirit of Rule VII and Rule VIII, covering the consideration of business during the morning hour, is that it shall be disposed of without debate.

Mr. HARRISON. Mr. President, I desire to address myself to the proposition.

The PRESIDING OFFICER. The Chair will listen to the Senator from Mississippi on the point of order for a moment.

Mr. HARRISON. Must a Senator address himself to the point of order, or to the subject?

The PRESIDING OFFICER. To the point of order.

Mr. HARRISON. I understood that the morning business was closed.

The PRESIDING OFFICER. It has not closed. On the point of order raised by the Senator from Washington the Chair will state that during a ruling of the Chair March 28, 1914, the following occurred:

The VICE PRESIDENT. In this connection the Chair desires to make a statement. The Chair was in error in ruling that the question of the reference of a bill to a committee is not debatable. The Chair was under the impression that the question was one of those questions which, under Rule XXII, are not debatable; but the Chair finds that the question is debatable. Therefore the ruling of the Chair heretofore made in reference to the matter will not stand as a precedent.

Mr. POINDEXTER. I would like to make a parliamentary inquiry. Does that apply to a motion made during the morning hour?

The PRESIDING OFFICER. It does.

Mr. GERRY. Mr. President, I hope that, no matter what committee this bill shall be referred to, full hearings will be held upon it. From the CONGRESSIONAL RECORD I learn that the bill was introduced in the House with practically no hearings, except some statements from wool and cattle men relating to the bad condition of those industries. The Tariff Commission was not heard, and apparently the committee did not call for reports from it.

When the bill came into the House a cloture rule was placed on it, and it was passed with very limited debate, with the result that many Members were only able to express their views on it subsequent to the passage of the bill, by being granted leave to extend their remarks in the Record. There is no question but that this bill has been very hurriedly conceived and then rushed through the lower House on the ground that it is an emergency measure.

Mr. President, I do not believe that it is wise in any respect to try to remedy economic conditions by putting through ill-considered measures. They are much more apt to create greater harm than they can ever remedy. In fact, from the debates in the House it has been suggested that this bill was not really offered seriously, for the purpose of relieving an emergency, or even in the belief that it would become a law, but rather the suggestion was made that it was intended for political expediency, and when I read the bill over and consider it—and I have had very little time to do that—I am convinced that there must be some such reason for the introduction of such a measure.

It is impossible to write a tariff bill piecemeal. If this bill is passed, putting a new tariff on wool, putting a new tariff on wheat, putting a new tariff on cotton, cattle, and other products, the result is going to be that other schedules in the existing tariff law will have to be rewritten. Naturally an increase in the tariff on raw materials means a decrease in the tariff on the manufactures of those materials.

Mr. President, to show with what lack of system this bill was considered, some of the rates imposed in it are higher than the rates of the Payne-Aldrich bill, and some are lower. There is a new tax on cattle and none on dairy products. There is a tax on wool, when it has already been stated in this Chamber that there is wool in storage in tremendous quantities, and a tax on the importation of sheep. The result undoubtedly will be that the men who hold the wool now in storage, who are not the farmers, will be able to reap a profit out of this bill; the profiteer will again have an advantage, and the farmer will receive no benefit.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Utah?

Mr. GERRY. In a moment. I do not believe that this tariff, passed at this time as an emergency measure, will save the sheep of the country, and if the sheep are killed off, as it has been suggested that they will be on account of the high price of food, the result will be that when the farmer wants to buy them back, with this tariff still in existence, he will have to pay more for his ewes. Now I yield to the Senator from Utah.

Mr. SMOOT. I thought the Senator understood that at least 85 per cent of the wool clip of last year is still owned by the woolgrower. It is held by the commission house, and I know some cases where there has been a 25 cent advance on the wool, and in such cases there has been a demand made upon the woolgrower for a return of 10 cents a pound. So whatever advantage comes will come to the woolgrower, and not to the commission man.

Mr. GERRY. I understood that a statement to that effect was made in the House and was contradicted. I do not come from a wool State, and I am unable to argue the question with the Senator from Utah. I have not the information, and I have not had time to look it up. But Members of the House who were familiar with that situation had divergent views upon it.

But it is perfectly apparent, Mr. President, that if the farmer is to be helped in this way, as I said before, there will be a reaction upon the manufacturer; there will be a reaction on the consumer in the cost of his products, and I do not think that there is any bill that has been introduced in this body that would have a worse effect on the people in my part of the country, who are suffering from the depression that has existed ever since the election. They are now suffering from lack of employment, are seeking more than ever a reduction in the high cost of living. The object of a bill of this sort is to place an embargo on certain highly important commodities.

Mr. President, I can not imagine a greater injury that could be done to the thickly populated centers, the manufacturing States, the States where the people earn their living not by the



products of the farm but through manufacture and commerce, than a bill of this sort, whose acknowledged object is to raise the price of all those basic commodities of food and clothing which are absolutely essential in order to sustain life.

Mr. McCUMBER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from North Dakota?

Mr. GERRY. Yes; certainly.

Mr. McCUMBER. The Senator speaks of its effect in raising the price of food to the people. The Senator was here the other day, I think, when there was reported to the Senate a bill with an account showing where some nearly 2,000 ewes had been shipped from Montana into the market. The condition was so bad that the ewes had to be shipped, and those ewes were first sent on to Denver, then to Omaha, and finally landed in Chicago, and after deducting the cost of shipping, including feed, the owner of those ewes got 32 cents apiece for them. If the price of the ewes had been raised so that he would have gotten even \$1 or \$1.50, does the Senator think it would have made any difference in the price he would have to pay for a mutton chop? For instance, if the farmer got for the ewe 32 cents, and the Senator pays 50 cents for a single mutton chop, does the Senator think there is any very close relation between what the farmer got and what the Senator pays in a restaurant as the price of that meat?

Mr. GERRY. I will say to the Senator that I know the chairman of the Ways and Means Committee made that argument in the House when the bill was up for consideration. Naturally there are certain economic laws which govern the cost of living, and those economic laws can be set aside, and they often are set aside, by the profiteer. I personally feel that we should do everything we can to offset these conspiracies to sustain the high cost of living and to make huge profits. These conspiracies are conspiracies in restraint of trade. But I think that when we are going to do that we should not also try to complicate the situation more by putting an embargo on essential commodities, which is bound to basically raise their price.

Mr. McCUMBER. If the 50-cent per chop for mutton did not go down when the farmer got 32 cents for a whole sheep, wool and all, does the Senator think that if the farmer had even gotten a dollar or a dollar and a half for the sheep it would have increased the price of the chop that is served to him?

Mr. GERRY. I think undoubtedly that if the price of sheep continues to fall you will find that your mutton chops will go down too, although it will not probably go down immediately; but I think if you increase the cost of sheep your chances of having your mutton chop decrease in price will be very slim.

Mr. McCUMBER. If ewes are to be sold at such a price that they will not raise any more next year, so that we will depend entirely on importation, it would seem to me that the tendency would be for it to go up another year from now.

Mr. GERRY. Frankly, I will say to the Senator that I do not believe this bill will act in time to prevent the destruction of ewes, on account of the high cost of feed, especially as there is a tariff in this bill covering a great many food products which are fed to cattle and sheep.

But, Mr. President, the whole theory of this form of tariff legislation on certain products is, of course, unsound. It is doubly unsound under present world conditions, where we can only straighten out or help to remedy by barter the situation growing out of the balance of trade. It is impossible to even it up by an importation of gold, because there is not enough gold in Europe to do that, the greater measure of gold being in this country, and it therefore comes back to a question of barter—trade by the interchange of commodities.

When the bill is referred to a committee I hope, as I stated in the beginning of my remarks, that the entire matter will be thrashed out very thoroughly by hearings and that then the Senate will have an opportunity to determine whether they want to take up legislation of this popgun sort.

Mr. JOHNSON of California. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from California?

Mr. HARRISON. I yield.

Mr. JOHNSON of California. I have an article that appeared yesterday in the New York World which is extremely enlightening and illuminating, and if the Senator from Mississippi is not in any hurry to proceed I ask that the article may be printed in the Record, if the Senator from Utah [Mr. Smoot] will consent.

Mr. SMOOT. I would rather have the Senator read it.

Mr. HARRISON. I have no objection.

The PRESIDING OFFICER. Without objection, the article will be printed in the Record as requested.

Mr. SMOOT. Mr. President, it is a newspaper article and I shall have to object to that request, but the Senator may read the article if he desires.

Mr. HARRISON. If the Senator from Utah will remove himself from the Chamber, we can get through more quickly.

Mr. SMOOT. I do not think the Senator from Mississippi is anxious to get through quickly at all.

Mr. JOHNSON of California. Will the Senator from Mississippi yield while I read the article?

Mr. HARRISON. May I ask the Senator from Utah if at 2 o'clock he proposes to lay aside the unfinished business to carry on the consideration of the tariff legislation? I would like to know what is the intention of the Senator.

Mr. SMOOT. If we have votes enough, we certainly will do it.

Mr. HARRISON. Then I suggest the absence of a quorum to find out if we have votes enough now to do it.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gronna	La Follette	Pointexter
Beckham	Hale	Lenroot	Pomerene
Borah	Harrison	McCumber	Ransdell
Brandeggee	Henderson	McKellar	Reed
Capper	Hitchcock	McLean	Sheppard
Culberson	Johnson, Calif.	McNary	Smoot
Curtis	Jones, Wash.	Myers	Stanley
Dillingham	Kellogg	Nelson	Sterling
Edge	Kendrick	New	Sutherland
Elkins	Kenyon	Norris	Townsend
Fletcher	Keyes	Nugent	Wadsworth
France	King	Page	Walsh, Mont.
Gerry	Knox	Phlips	

The PRESIDING OFFICER (Mr. Jones of Washington in the chair). Fifty-one Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Nebraska [Mr. Hitchcock], on which the Senator from Mississippi [Mr. Harrison] is entitled to the floor.

Mr. HARRISON. I yield to the Senator from California [Mr. Johnson] that he may read the article to which reference has been made.

The PRESIDING OFFICER. The Senator from California is recognized for that purpose.

#### AFFAIRS IN THE NEAR EAST.

Mr. JOHNSON of California. Mr. President, I apologize to the Senate for occupying time in the reading of an article, even for a very few moments, but the Senator from Utah [Mr. Smoot] refuses to depart from his well-established rule. I congratulate him upon that course, which is a somewhat vicarious atonement for the space he occupies in the Record.

The article that I desire to submit, illuminating and enlightening upon the Near East policy, is one with which I think all of us should be familiar, and it should be brought to the attention of the country, if it be possible. It is an article that appeared yesterday in the New York World, a hard and fast administration paper and chief advocate of the League of Nations among the newspapers of the country. The article is as follows:

HOW SUBTERFUGE AND INTRIGUE HAVE CAMOUFLAGED THE NEAR EAST POLICY OF EUROPE'S DIPLOMATS.

[By Ferdinand Tönnies.]

LONDON, December 1, 1920.

"Had the late King Alexander not had an encounter with a monkey, the Allies might have held the Balkans and the Near East for years indefinite. That a monkey bite has grievously undermined their authority from Bagdad to Odessa and from Athens to Baku is to one just returned from that part of the world a singularly vivid commentary on the chronic rottenness of the Near East policy pursued by Europe's liberators from armistice onward and crowned at Sevres, where the old and highly breakable china comes from.

"France and England may bury unknown warriors, with none so low as not to do them reverence, but, apparently, they can not or will not fight the germ that laid those warriors low.

"The treaty of Sevres was soaked and saturated in hochpolitik of the most imperialistic nature; that the self-interest and wille zur macht exuded was skillfully camouflaged only makes things worse—has, in fact, put us a rung lower since 1914. It has turned the open power of princes into masquerade, with masks off with midnight arrived, but in one country so far—Russia.

"The particular form of camouflage resorted to in connection with the Near East may, perhaps, be summed up in the verb 'to protect.' Britain, France, and Italy were all desperately anxious to protect Greece and equally keen that some

one else should protect the one country really needing protection in the vicinity—Armenia. In the scramble to protect Hellas of classical form and beauty I imagine John Bull won—truth to tell, old Bull is a pastmaster at protection, though it is not quite clear at times what precise form his protection takes, whether he is protecting himself from his protegee, as in Egypt, or his protegee from himself, as in Ireland.

"At Sevres the Allies, of course, looked around for a principle upon which to reconstruct the Balkans and the Near East, a principle leaving that part of the world safe for democracy. France wanted a new Crimean war, Italy wanted every little island she sailed up to in the night, and England wanted some one to do police work for her in the neighborhood.

"As an example of the ruling mentality at Sevres and Constantinople I do not think I am transgressing the bounds of private conversation in relating one item Admiral Bristol, the American high commissioner, told me. He and three others were dispatched to Smyrna to report on what ought to be done with that supremely rich coastal strip. The small four reported to the big four that Smyrna could not be given to Greece on any principle whatever. Smyrna was given to Greece. It was given to Greece because the enlightened way of the world to-day is first to consider what raw material a place produces and, secondly, what human beings. That explains why nobody wants Armenia. In Smyrna you trip over figs and tobacco; in Armenia over the outraged bodies of women and children.

"The British policy won, though not without the bitter enmity of France and Italy being fired—an enmity which had to be cooled ever and anon with fresh offerings to these two champions of local liberty. The British policy was to create a great new Greece and to straddle her, with allied backing—moral, economic, and, if necessary, military—across the Balkan Peninsula and Asia Minor.

"I remember sailing along the coast of this new Greece for three days and three nights last summer from Corfu to Constantinople and pondering that the population of the revitalized colossus was considerably less than that of London. It gave one to think at the time; it set one wondering how long Venizelist Greece would last, surrounded, as she was, east and west and south and north by foes. Turkey had been carved up to satiate her; so, too, Bulgaria; Kemal was at war with her, and Italy hated her with a hate of fifty millions choking down.

"The new Greece was to act as an outpost of Britain and to do Britain's work. As a start off she was sent into Asia Minor against Kemal; a constant menace to the British in Mesopotamia—no menace at all to Constantinople. The Smyrna expedition was financed by interested Salonikan millionaires and by one semi-English millionaire. The six divisions sent across the Aegean coast in the vicinity of half a million dollars a day, and the Allies had to find some of this, since Greece was verging on bankruptcy, but the bulk of the money in this first venture at making things safe locally for democracy came from capitalist kings of the Levant. Everywhere one searches in this sorry story of grab-as-grab-can one encounters the same rabid negation of all the war was ostensibly fought for.

"Even between the Allies themselves mean subterfuge and intrigue were resorted to. Thus, the French, having commanded at Saloniki, and having possessed much Balkan prestige before the war, naturally claimed to be the paramount power, overlording the whole situation. This the British agreed to, and Gen. Franchet d'Esperey was installed as commander in chief of the allied forces. In the same document and, planissimo, Gen. Milne was granted the military command at Constantinople. The French did not see the catch in this. Constantinople, of course, is the whole country, one might say, the whole Near East, and soon Gen. Milne had completely sidetracked the Frenchman, ever after known as 'Desperate Franky.'

"Meanwhile the Italians went against everyone, aglow with just one notion—to improve the shining hour by opening up trade with all and sundry. They traded with the bolsheviks in the Black Sea, and they passed in arms and aeroplanes to Kemal up the Meander Valley, that these same arms might be employed against the new and hated Greece. For sheer futility and immorality you could not have beaten the Levant last August. Friends were betrayed and bloody hands grasped with a nonchalance unheard of. One day the British were throwing over their vital war friend Feisul in order to subscribe to Gen. Gouraud's Napoleonic behavior on Napoleonic ground of the long ago, and the next the poor, broken, and tattered Serbs, greatest and least sung of war victims, saw forever their vision of a window by the sea float by in order that Italy might be kept quiet and recompensed for losing the Dodecanese.

"Grab-as-grab-can!

"To the wayfarer with a pen it all seemed like some grim Frankenstein experiment, this bisecting and dissecting of mar-

tyred territory by foreign offices and foreign bankers, by men at the telephone and with Rolls Royces at the door. It filled one with great melancholy as you passed through the Dardanelles and saw hillside after hillside of Australian dead—23,000 men, who might have been alive to-day in a land of sun and laughter, and who had died for this!

"It seemed like the deliberate and cold-blooded reestablishment of the order that had dug those graves. French, British, and Italians—they were in it for what they could get out of it, and not to bring peace and good will to these lesser tribes of the Mediterranean. Their fine orations had been so many words on the wind; instead of the Kaiser riding through Jerusalem, it was to be King George or King Victor or King Somebody Else. They had remade the map with a scissors, like the three Emperors cut up Poland long ago. What rhyme or reason was there, for example, in bringing the Greeks right up to the threshold of Constantinople? Thrace may have been Greek before Christ, but so was Marseille. Journeying up to Adrianople, I saw no suggestion of any other land but Turkey. But diplomatists do not have to explain why they do things, although not one in any sanely organized business concern but would get the sack for messing things up as the Entente statesmen have done in southern Europe and in Asia Minor.

"They are now, as I write, going to 'revise the treaty of Sevres in Turkey's favor.'

"This one phrase gives the true measure of the Allies' political honesty and Christian disinterestedness among Moslems and others. Their Greek policy having collapsed through a monkey bite, as a result of the Greeks calling for Constantine, whose return means the end of a pro-Entente Greece, the French, British, and Italians must now somehow arrange things between themselves, so that the unspeakable Turk is replaced in power. Well may Chicherin tilt his chair back in the Kremlin and smile at such prewar groping in a postwar world! An Irishman said to me the other day, 'I am gradually becoming a Sinn Feiner against my will through listening to the English talking about Ireland.' Who will say that millions are not becoming bolsheviks against their will through watching the allied statesmen steadily erecting the international structure which precipitated the war?

"The Allies want some nation in the Near East which will carry their banner while they rake in the shekels. They do not mind much who that person is, murderous Turk or greedy Levantine. As for clearing out of all territory where they don't belong, and are only installed as Prussians would install themselves; as for France giving back to Feisul what is Feisul's and tearing up a purely imaginary mandate, there is no more chance of that than there is of the Italians quitting Upper Cilicia—how they got there is a complete mystery—or of the British departing from Constantinople or from Bagdad. Somehow or other the Allies will find a formula enabling them to stay on \* \* \* rather than abandon their imperialistic and economic designs, they would, one verily believes, permit the Turks to protect the Viennese again, as in a bygone age.

"The French are for a new Turkey, with a view to using a new Turkish Army in the Caucasus against the bolsheviks, and so recovering their \$1,500,000,000 debt from Lenin; the British are in favor of a new Turkey because she may settle their troubles in Mesopotamia and lessen the growing enmity toward them in the Mahometan world; the Italians have all along been brazenly in favor of a new Turkey as the one means of keeping Greece from local domination. So up with the Turk and down with poor Hellas! \* \* \* Verily, the Allies, past masters at protecting, are not overkind to their past mistresses!

"If any man desires to behold the great principles of these last years carried from theory into practice, let him proceed to Constantinople and thence describe a circle of a thousand miles diameter. He will look out on a world of all the worst of human passions, of greed, hatred, and intrigue. He will behold a world in chaos, a world of anarchy and strife, in which each one is out for self, and self alone, while hiding his true intentions beneath tall talk; a world in which two eyes never meet two eyes, a world of deceit and grim trading across the corpses of the weak; a world of typhus and killing, while Mr. Lloyd-George and others of his kidney settle it all in between a round of golf and a foreign-office banquet.

"The four States of Transcaucasia—born of Versailles—Armenia, Kurdistan, Azerbaijan, and Georgia—are either non-existent or have passed to the bolsheviks; Anatolia, from Erzerum to Smyrna, is ruled by a Turkish rebel; Greece is undergoing a complete bouleversement with Italy, across the way, straining to spring at her throat; d'Annunzio is being subsidized by Rome in defiance of all and everybody; Austria and Serbia are slowly dying; and the red terror rules all around from Rumania to Baku.



"In the center of this charming postwar picture stand the Allies, 'revising the treaty of Sevres.' They might, to greater advantage, revise themselves."

Mr. President, I repeat I offer this article because it appears in the leading Democratic newspaper of the Nation, a newspaper which has been hard-and-fast administration and the chief advocate among the newspapers of the land of the League of Nations. I assume, appearing in this particular paper, that the newspaper itself lends verity to what its correspondent says.

In this connection one further word: This great newspaper is conducting to-day something of an agitation respecting disarmament. It has discovered, with all the joy of a youth first seeing a self-evident proposition, that war may be banished from the earth more nearly by disarmament than by any other agency or in any other manner. So it is conducting to-day, in the amazement and the pleasure of its new discovery, this particular campaign for disarmament. In that every man wishes it the utmost success, of course. We are all agreed, I take it, that if there is a real desire among the powers of the earth to prevent war they can prevent it by substantial disarmament; and if the five great nations of the earth, who constituted the five allied and associated powers in the World War, should meet together and decide upon reduction of armament, we would have taken the one great step that could be taken toward the promotion of peace and the prevention of all future wars. We all pray, of course, that that step may ultimately be taken, and we commend to some of those outside of the Chamber who have hysterically endeavored to direct our course during the past couple of years toward a new super-government, or who have sought consciously or unconsciously to embroil us in European controversies, quarrels, broils, and war—we commend to them the one great step that may be taken—substantial reduction of the armaments of the nations of the earth, for the prevention of wars in the future.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska [Mr. HITCHCOCK], and the Senator from Mississippi [Mr. HARRISON] is entitled to the floor.

#### THE MERCHANT MARINE.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. EDGE. I should like to have the privilege of introducing a resolution and speaking very briefly, not more than five minutes, upon the subject matter of the resolution.

The PRESIDING OFFICER. The Chair desires to call the attention of Senators to paragraph numbered 2 under "Morning business":

It shall not be in order to interrupt a Senator having the floor for the purpose of introducing any memorial, petition, report of a committee, resolution, or bill. It shall be the duty of the Chair to enforce this rule without any point of order hereunder being made by a Senator.

So the Chair will have to hold that the Senator from Mississippi can not yield for that purpose.

Mr. EDGE. If a request for unanimous consent is made and given, does the rule still hold?

The PRESIDING OFFICER. The rules make it the duty of the Chair to enforce the rule.

Mr. HARRISON. I ask unanimous consent that the Senator from New Jersey may be permitted—

The PRESIDING OFFICER. The Chair holds that that can not be done; the Senator can not yield for that purpose.

Mr. HARRISON. Suppose I yield the floor and allow the Senator to proceed?

The PRESIDING OFFICER. If the Senator yields the floor, the Chair will recognize the Senator from New Jersey.

Mr. HARRISON. Then I am not estopped from gaining recognition after that?

The PRESIDING OFFICER. The Senator has a right to speak twice on the same day on the motion.

Mr. HARRISON. I have not spoken yet.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. EDGE. Mr. President, I wish to express my appreciation to the Senator from Mississippi for giving me this opportunity. I send to the desk a resolution which I offer and ask to have read.

The PRESIDING OFFICER. The resolution will be read.

The resolution (S. Res. 413) was read, as follows:

Whereas the reconstruction of many countries after the World War is dependent largely on supplies of all kinds from the United States; and  
Whereas such supplies should be, and to a large extent must be, transported in United States merchant ships; and  
Whereas approximately \$4,000,000,000 of the American people's money, raised from them largely by taxation, has been invested in an American merchant marine; and

Whereas an accounting on this investment now is imperatively advisable, in order that the people through their Congress may frame definite policies and enact legislation for the stimulation and businesslike management of this merchant marine: Therefore be it

Resolved, That the United States Shipping Board be, and it hereby is, instructed to submit to the Senate without loss of time a concise report, devoid of arguments, and intelligible to the average citizen, on the following points:

1. The total amount of moneys appropriated for, and otherwise provided for, the United States Shipping Board and Emergency Fleet Corporation, and the United States Shipping Board as its successor, from September 7, 1916, to and including November 30, 1920.
2. The gross profits or losses, as the case may be, for the same period.
3. The net profits or losses, as the case may be, for the same period.
4. The disposition of any net profits, if any such there have been.
5. The amount of capital on which the United States Shipping Board now is conducting its business.
6. The number of vessels at present owned by the Shipping Board, giving material of which each is constructed and tonnage of each.
7. The number of vessels, if any, at present owned in part by the Shipping Board, giving material of which each is constructed and tonnage.
8. Number and description of vessels owned by the Shipping Board now in operation under its sole management, and number and description under charter by the Shipping Board in operation under its sole management.
9. Number and individual and aggregate value of vessels owned by the Shipping Board now managed by it in conjunction with private interests.
10. Number of vessels owned by the Shipping Board now chartered by it to private interests and operated entirely by private interests.
11. Number and individual and aggregate values of vessels owned by the Shipping Board not at present in operation, giving (a) name and description and tonnage of each such vessel; (b) length of time it has not been in operation; (c) reason why it has not been and is not now in operation; (d) place where each such vessel is docked or tied up; (e) expense of daily maintenance of each such vessel; (f) percentage of each vessel's value lost monthly by such idleness; (g) estimated percentage of each such vessel's value lost monthly in depreciation.
12. Concise description of the system of accounting by which (a) the profits or losses of the Shipping Board are determined; (b) the loss by depreciation is estimated; (c) the individual profit or loss on each vessel, in operation or idle, is established.
13. Copy of any standard form of contract the Shipping Board may have established.
14. List of all contracts with private individuals or corporations operating Shipping Board vessels either by themselves entirely or in conjunction with the Shipping Board.
15. List of contracts now ready for conclusion with private interests for the operation of Shipping Board vessels, and list of tentative contracts now under consideration for future conclusion.
16. Number of persons now employed by the Shipping Board; (a) on shore, and (b) afloat.

Mr. KING. Mr. President, will the Senator add to that resolution two other items—first, the value of the ships now owned by the Government, according to the market price; second, the number of ships sold, the amount received therefor, and the loss on those vessels?

Mr. EDGE. Mr. President, I might add, for the benefit of the Senator from Utah, that I think that particular information is fairly well contained in a recent report issued by the Shipping Board.

My object in introducing the resolution is, briefly, this: I have tried as far as possible to dissect and analyze the recent report of the Shipping Board. I assume that it is absolutely correct—I have no reason, of course, to think otherwise—and perhaps it is in the usual form in which most of the departmental reports are issued; but I must frankly confess that I have been unable to secure this particular information, which I think of the utmost importance if Congress proposes to legislate in connection with this great responsibility.

I just want to point out, in the three minutes that I am going to consume, some important facts in this connection.

Some of you may perhaps know, but I doubt very much if the country appreciates, that the merchant marine to-day represents an investment of approximately four billions of dollars; and that four billions of dollars, estimating the average rate of interest, means a charge against the taxpayers of this country of almost a quarter of a billion per year, and, brought down to the monthly expense, approximately twenty millions per month and over \$650,000 per day. For every day of 24 hours there is charged up, at the average rate of interest, over \$650,000; and this is entirely apart from any loss in operation or loss in administration.

We discuss here, and very properly so—we have for years, and we undoubtedly will for many years to come—the Navy of the United States. I wonder if Senators really appreciate that, as proud as we are of the Navy, it does not represent to-day an inventory of three billions of dollars. The merchant marine investment at this moment represents 25 per cent more than the present estimated worth of the entire Navy and all the equipment of the Navy. So it does appeal to me very strongly that if there is any information we can get in order to devise businesslike plans for the future management of the merchant marine, or its disposition, it is our duty to have such information before us.

I was thoroughly and heartily in favor of the bill presented by the present Presiding Officer, the Jones bill, and I hope it

will have an opportunity to be worked out; but I think additional legislation is imperative if the information I get is correct, that prices for ships have not been materially reduced, and that in the case of those ships that have been sold over 12 firms that have paid high prices for them have already gone into the hands of receivers and can not operate them. It simply means that if we have a bad investment we must recognize it as business men and take a loss and write it off; and it is incumbent upon this Senate and this Congress to give very careful business consideration to an investment of that character, as stupendous as it is.

So I am going to ask unanimous consent of the Senate for the present consideration of the resolution in order that we may at least receive information that must be of benefit to every Senator in this body.

The resolution was considered by unanimous consent and agreed to.

#### EMERGENCY TARIFF.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska [Mr. HITCHCOCK] to refer to the Committee on Commerce the bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes.

Mr. McCUMBER. Mr. President, it was rumored some time ago that the minority side of the Chamber intended to indulge in a filibuster to prevent any action upon the bill which is under consideration in the motion for reference. That, of course, they had a right to do under the procedure of the Senate, and I am not objecting at all to the method that they see fit to invoke in order to accomplish the result they desire to accomplish, if they think it can be better accomplished in that way.

My understanding was, of course, that that was to prevent the matter being passed upon until after the holidays. Of course, there is no necessity of any filibuster for that purpose, because it would be impossible for us to dispose of the subject until some time after the holidays; but inasmuch as the Senate is now indulging in the pleasurable pastime of a filibuster, we might as well understand to what extent the Senate feels that it is justified in so doing. In order to test that question, I move to lay the motion on the table.

Mr. HARRISON. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Mississippi for an interruption?

Mr. McCUMBER. For an inquiry.

Mr. HARRISON. The Senator has stated that there is a filibuster on.

Mr. McCUMBER. Yes.

Mr. HARRISON. The Senator has made two speeches. I have been yielding to various Senators, all of whom are on his side, for the past hour. There is no filibuster on. The only desire in the world that this side has, so far as I know, is to give some time for this bill to go to a committee. I had hoped that it would be held on the table until some of the Members who are on certain committees return from their Christmas holidays. It does seem to me that the Senator is all wrong—first, in charging that there is a filibuster, and, secondly, in making a motion to table a proposition when he knows that there are Senators here who desire to speak, after he has spoken twice on it.

If the Senator thinks that is fair, then he may go his way; but I do not think other Senators will think it is just the proper thing to do. He knows that I have been on my feet here, gaining recognition to say something on this bill. I yielded to the Senator from California [Mr. JOHNSON] because a Senator on that side of the Chamber objected to allowing a certain pamphlet to be incorporated in the Record. I yielded to the Senator from New Jersey [Mr. EDGE] so that he might have his resolution introduced and agreed to. I have tried to be kind and patient with my colleagues here, and I find now that we are compensated by a motion to table, which shuts off debate, after the Senator himself has spoken twice.

Does the Senator insist on his motion to table?

Mr. McCUMBER. Oh, yes, Mr. President. I have no doubt of the kindly intention of the Senator to give all the time possible to delay the reference.

Mr. HARRISON. The Senator does not take me at my word, then?

Mr. McCUMBER. I insist upon the motion.

Mr. HITCHCOCK. I ask for the yeas and nays.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARRISON. A motion to table carries with it the whole proposition, does it not?

The PRESIDING OFFICER. It carries the motion, and that is all.

Mr. HARRISON. It carries the motion where?

The PRESIDING OFFICER. On the table.

Mr. HARRISON. It puts it on the table, so that the whole proposition just lies on the table and does not go to a committee?

Mr. HITCHCOCK. Mr. President, I ask for the yeas and nays on the motion.

Mr. FLETCHER. May I ask the Senator from North Dakota [Mr. McCUMBER] one question?

The PRESIDING OFFICER. The Senator from North Dakota has yielded the floor.

Mr. FLETCHER. I merely wish to ask the Senator a question. The Senator said there was no disposition on the other side to hurry through the consideration of the bill, and indicated that the committee would not make a report on the bill until after the holidays. Did I understand the Senator correctly?

Mr. McCUMBER. Certainly. It would be impossible for us to do it.

Mr. FLETCHER. If the reference is made to the Committee on Finance, no report will be made until after the holidays?

Mr. McCUMBER. No; we could not report it out until after the holidays.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. McCUMBER] moves to lay the motion of the Senator from Nebraska [Mr. HITCHCOCK] on the table, and on that motion the Senator from Nebraska [Mr. HITCHCOCK] asks for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. BALL], which I transfer to the junior Senator from Alabama [Mr. HEFLIN] and vote "nay."

Mr. KELLOGG (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. In his absence I withhold my vote. If permitted to vote, I would vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS], and in his absence I am compelled to withhold my vote. If permitted to vote, I would vote "yea."

Mr. PHIPPS (when his name was called). On this vote I have been requested to pair with the junior Senator from South Carolina [Mr. DIAL], and I withhold my vote.

Mr. POMERENE (when his name was called). I have a pair with the senior Senator from Iowa [Mr. CUMMINS]. I transfer that pair to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. Not knowing how he would vote, I will withhold my vote. If at liberty to vote, I should vote "yea."

Mr. WALSH of Montana (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the Senator from Arkansas [Mr. ROBINSON] and vote "nay."

The roll call was concluded.

Mr. KENDRICK. I have a general pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from California [Mr. PHELAN] and vote "yea."

Mr. EDGE. I am paired with the junior Senator from Oklahoma [Mr. OWEN], and in his absence I withhold my vote.

Mr. KNOX. I have a pair with the senior Senator from Oregon [Mr. CHAMBERLAIN]. I am informed that if he were present he would vote in favor of referring the bill to the Committee on Finance. Therefore I feel at liberty to vote, and I vote "yea."

Mr. HENDERSON. I have a general pair with the junior Senator from Illinois [Mr. McCORMICK]. I transfer that pair to the Senator from Arkansas [Mr. KIRBY] and vote "yea."

Mr. DILLINGHAM. I have a general pair with the Senator from Maryland [Mr. SMITH]. I transfer my pair to the Senator from Oregon [Mr. CHAMBERLAIN] and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New York [Mr. CALDER] with the Senator from Georgia [Mr. HARRIS];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON];



The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Massachusetts [Mr. LODGE] with the Senator from Georgia [Mr. SMITH];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Louisiana [Mr. GAY];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Illinois [Mr. SHERMAN] with the Senator from Virginia [Mr. GLASS];

The Senator from Missouri [Mr. SPENCER] with the Senator from New Mexico [Mr. JONES];

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT].

Mr. GERRY. I have been requested to announce the absence of the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from South Dakota [Mr. JOHNSON] on account of illness.

The roll call resulted—yeas 33, nays 12, as follows:

#### YEAS—33.

Asburt	Gronna	La Follette	Pomerene
Beckham	Haie	Lenroot	Sheppard
Borah	Henderson	McLean	Smoot
Brandegee	Johnson, Calif.	McNary	Sutherland
Capper	Jones, Wash.	Nelson	Townsend
Curtis	Kendrick	New	Wadsworth
Dillingham	Kenyon	Norris	
Elkins	Keyes	Page	
France	Knox	Polindexter	

#### NAYS—12.

Fletcher	Harrison	McKellar	Reed
Gerry	Hitchcock	Nugent	Stanley
Gore	King	Ransdell	Walsh, Mont.

#### NOT VOTING—51.

Ball	Harding	Overman	Smith, S. C.
Calder	Harris	Owen	Spencer
Chamberlain	Hedlin	Penrose	Sterling
Colt	Johnson, S. Dak.	Phelan	Swanson
Culberson	Jones, N. Mex.	Philips	Thomas
Cummins	Kellogg	Pittman	Trammell
Dial	Kirby	Robinson	Underwood
Edge	Lodge	Sherman	Walsh, Mass.
Fall	McCormick	Shields	Warren
Fernald	McCumber	Simmons	Watson
Frelinghuysen	Moses	Smith, Ariz.	Williams
Gay	Myers	Smith, Ga.	Wolcott
Glass	Newberry	Smith, Md.	

The PRESIDING OFFICER. On the motion to lay on the table the motion to refer the bill to the Committee on Commerce the yeas are 33, the nays are 12. Senators present and not voting are the Senator from Minnesota [Mr. KELLOGG], the Senator from North Dakota [Mr. McCUMBER], the Senator from Colorado [Mr. PHILIPS], the Senator from South Dakota [Mr. STERLING], and the Senator from New Jersey [Mr. EDGE]. A quorum is present and the motion prevails.

Mr. HARRISON. Mr. President, I move that the bill be referred to the Interstate Commerce Committee of the Senate, and in speaking to that motion I shall not occupy the Senate long.

Mr. President, I am sure that the Senator from North Dakota [Mr. McCUMBER] was laboring under a wrong impression when he thought that Senators on this side of the Senate were attempting a filibuster. It is the desire of some of the Members on this side to delay this matter until about Thursday, when certain members of the committee return to the city. These members of the committee went home to spend Christmas with their families, and they went expecting that the other side of the Chamber would be patient with them and not attempt to rush through legislation.

But they were mistaken. They did not give the question that degree of consideration, perhaps, that it deserved. They did not realize that the other side of the Chamber was drunk with political ambition to do that which its party had done 20 years ago; that it had misinterpreted the great vote it received in November of this year; that it was going back to the old days, when the Senator from Wisconsin [Mr. LA FOLLETTE] and Senators from Iowa and other Senators on the other side of the aisle saw fit to criticize their party and point out the dangers which lurk within such tactics.

But this piece of handiwork, handed to us by the body at the other end of the Capitol, is a loaded bombshell. It has been lighted there, and it is the duty of the majority of the Senate, in my opinion, to place its foot upon it and stamp it out before its explosion shall kill out the last ray of hope to the consuming masses of the country.

There never was such an iniquitous piece of legislation, perhaps, in the United States Congress. Talk about tariff—I can not understand how you high protectionists, such as the Senator from Utah [Mr. SMOOT], can stomach such a measure as this.

I am not unmindful of the fact that when the Payne-Aldrich tariff bill was debated in this Chamber, and afterwards con-

demned by the American people, even your President saying it was the most iniquitous tariff measure ever placed upon the statute books, you did not go as far as are written in the provisions of this bill.

The PRESIDING OFFICER. The Senator from Mississippi will suspend for a moment while the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. The bill (S. 3390) to provide for the national defense; to establish a self-sustaining Federal agency for the manufacture, production, and development of the products of atmospheric nitrogen for military, experimental, and other purposes; to provide research laboratories and experimental plants for the development of fixed-nitrogen products; and for other purposes.

Mr. HARRISON. In the beginning the Republican Party may have had some slight reason for asking protection on articles imported into this country. The industries in the East, it was said, needed some protection; but they have grown rich now. They no longer need it. That day has long passed. Our exports have increased by leaps and bounds. This last year, I believe, the balance of trade was something like \$3,000,000,000 in our favor. We are shipping wares and goods and products as never before to the countries of the world, and yet it is proposed in this measure to raise a tariff wall around the United States and say to those countries to which we are selling those goods, "While we want you to buy our goods, you shall not ship your goods into the United States."

Can any statesman blame Canada for retaliating against us if we place a tariff on wheat that comes from Canada into this country? Can we blame any country for erecting a wall that will bar our goods and wares and products into their land if we prevent theirs coming into ours? What say Senators from New England, whose factories and factory owners have grown rich by making goods and wares and shipping them to Canada and other countries? Are their constituents going to feel pleased over legislation that will take money out of their pockets and restrain them from making goods to furnish to the markets of the world?

Yet opposition heretofore to high protection has come, for the most part, from the representatives of the farming interests of the West and of the South. Those out there believed in some protection, but their farmers did not believe in an exorbitantly high protection nor an embargo. They did not believe in robbing the great masses of the people at the expense of a few. So it was the influence of the western Representatives and Senators and of the southern Representatives and Senators that prevented the avaricious hand of the interests of New England and the East from placing too high rates of taxation into the various schedules.

But they have offered in this bill a sop to the farmers of the West.

There are Representatives in the House whom I love, with whom I served, and whose voices have rung out in behalf of the people, who voted for this iniquitous piece of legislation. Some of them will want a very high protection during the coming Congress, so they can go back to the old days—these high-protection advocates, some of whom have said, "You can not get a tariff too high for me."

Do you know what they are doing in the bill to Senators from the West? This is a piece of gross deception they are handing to those who represent the farming interests, who have sat, like the Senator from Iowa [Mr. KENYON], on the Agricultural Committee and tried to evolve some plan that might help the great farming interests of the country; to Senators like the distinguished Senator from North Dakota [Mr. GRONNA], who has worked day after day trying to do something for the farmers of the country, and under whose leadership was passed in the Senate the bill reviving the War Finance Corporation. Why? It was because he thought the way to help them was to find markets abroad for our products and create a credit in this country to carry them over. If he had proposed, or if any Senator had proposed at that time when we were trying to do something real for the farmer, that the proper way to do it was to place a big tariff wall around the United States so that no other country could ship anything into the country, but continue to allow us to ship our goods and wares and products abroad, the Senate would have been amazed. It is unfair, Senators. It is wrong in principle for us to ask of some other nation to do for us what we are unwilling to do for others.

Yes; they tried to catch us in the South by placing cotton in the bill. Smart? I will hand it to you, Senators. You are very adroit, but you should not have started so soon after the recent election.

Did we hear anything of the tariff in the last campaign? No; it was not heard of. High cost of living was heard of. I

hold in my hand a pamphlet issued by the speakers' bureau of the Republican national committee that says, "Why 25-cent sugar?" Why press down upon the backs of the consuming masses of the country? That is what was given to the people then. The Republicans did not say then that we were going to revise the tariff and revise it so high that there would be a wall preventing goods and wares and products from other countries entering into our borders.

I wish I had the time—but if I should undertake it the distinguished Senator from North Dakota [Mr. McCUMBER] would accuse me of filibustering—that I might read some of the things that were said in this pamphlet. Here is the way the pamphlet wound up. Splendid stuff, fine stuff, the Senator from Utah [Mr. SMOOT] says, to ask, "Why 25-cent sugar?" Here are some of the arguments. It says:

At 25 cents, the lowest price anywhere, the American people have been robbed of \$1,080,000,000.

One billion and eighty million dollars!

That is more than enough to pay the entire soldiers' bonus.

Now, Republicans were handing them sop. They wanted to make the soldier believe they were going to give him some kind of a bonus, but our committees have been working for days and days and have not come to any conclusion yet. That is why that was put in there.

This is more than enough to pay the entire soldiers' bonus which is so agitating the people of the Nation and which Congress is trying to find some way to grant.

Why, God bless you, a man with a mind such as that possessed by the Senator from Utah [Mr. SMOOT] could conceive of a good plan in a day. It would not take all this time to get some good plan for the soldiers' bonus.

By one fell act—

The pamphlet says—

the President and his Attorney General enabled the sugar growers of the world to enrich themselves by this fabulous sum of \$1,440,000,000.

And it closes by saying:

The poor, plundered citizen, struggling to feed and clothe his family, naturally complains of the high cost of living. But it is better to think than to complain.

And yet in this bill what are Republicans proposing to do? They are not robbing the consuming masses of \$1,440,000,000, as they allege on sugar alone, but it goes up into figures that I can not enumerate.

Talk about wheat coming in here from Canada. Yes; some wheat comes in and we ship very little abroad; but does the Senator from North Dakota forget that flour was away up at one time; that the poor people could not get it and could not have biscuits and bread on their tables? The millers of the country may get some benefit by your embargo, because they will take it as an excuse to raise the price of flour, but the farmer will not. And, after all, my friends, we have to look sometimes beyond the wheat grower. We have to look some to the consumers of the country. I can ride through my State and see the fields white with cotton on every hand, plantation after plantation. It is proposed to put a tax on that to help them. But I know it is a delusion and a snare; merely a bid for southern votes.

I would not vote for the proposition if 99 per cent of the people of Mississippi should ask me to do it, because I believe it is wrong in principle. That is why I am against it. It is wrong for a party to say they are trying to help the consumers of the country and lift a load from them, and at the same time try to gouge down their throats a bill that will increase the cost of living in the country.

Six months ago what was the cry in this Chamber? It was, "Let us reduce the high cost of living." The people of the country were hysterical about it. Yet now you are trying to increase the high cost of living to the consumers of the country. The proposition can not be denied. When an embargo is put on wheat, and on corn, and on live stock, and on those various things, it is increasing the burden on the consuming masses.

Mr. President, another peculiar thing about the bill is this: In the House there were no hearings before the Ways and Means Committee. It was forced down. The same tactics seem to be employed here. I do not know whether the Senate committee will have hearings or not. The Senator from North Dakota [Mr. McCUMBER] says that there will be. The Senator from Utah [Mr. SMOOT] looks doubtful about the proposition. May I ask the Senator from Utah whether it is proposed to have any hearings on the bill?

Mr. SMOOT. I do not know what the committee will do. As far as I am concerned, I will say frankly to the Senator from Mississippi that I do not see any necessity for hearings.

Mr. HARRISON. I thought that was the Senator's position, and yet the Senator has stood on the floor of this Chamber, as well as other Senators, and cried out for a tariff commission—

Mr. SMOOT. Oh, no!

Mr. HARRISON. If the Senator has not, I will exclude him from that statement. Other Republicans have cried out for a tariff commission that might go into all the facts and study the questions and recommend to the Congress what to do. And yet they are not willing to ask in this instance any advice or to ask for any data from the Tariff Commission. It may be because of the personnel of it; I do not know; but certainly the committee ought to have some hearings on the proposition.

Mr. SMOOT. Will the Senator yield?

Mr. HARRISON. Certainly.

Mr. SMOOT. As far as I am concerned, when an article comes into this country free of duty, and when the difference in exchange between the money of our country and that of the country from which that same product is to be shipped into our country reaches as high as 30 per cent, referring to England and Australia and South America, and up to 900 per cent with Germany, the American producers are not on an equal footing. Every pound of wool that is allowed shipped into the United States to-day is to the disadvantage of the American grower, because the foreign grower has an advantage of 30 per cent in exchange, and I think that any American farmer or grower of cattle or wool or anything else at least ought to be put on an equal footing with his foreign competitor, and that is what we are trying to do in part in the pending measure.

Mr. HARRISON. Yes; the great trouble with the Senator from Utah is that he sees wool, wool, wool, and would pull it over some of our eyes. [Laughter.]

Mr. SMOOT. That may be easily accomplished, as the Senator from Mississippi says, but I do not think so. I will say to the Senator that I am a protectionist—not a spotted one; I am a reasonable protectionist. I am a protectionist for every industry in the United States no matter where it may be located. I favor placing our industries at least on an equal basis with foreign competitors. The Senator from Mississippi will not say to-day that the woolgrower or the wheat grower of the United States is on an equal footing with the foreign wheat grower and the foreign woolgrower.

Mr. HARRISON. I have never accused the Senator from Utah of being a "spotted" protectionist. I think if there ever was a protectionist all over it is the Senator from Utah.

Mr. SMOOT. That is what I desire to be.

Mr. HARRISON. The Senator from Utah is as strong and as high a protectionist as I know of in the country. I do not like spotted protectionists; neither have I any respect for a peanut protectionist. I have no respect for a Democrat who will vote for protection on something which is grown in his district and at the same time expend his eloquence against the principle of protection. I stand to-day where I have always stood and the way my party has stood against any protection of any kind.

Mr. SMOOT. The Senator is consistent in that position, and I respect him for it, but in his remarks he referred to the fact that I only had wool in sight all the time.

Mr. HARRISON. That was facetious.

Mr. SMOOT. Very well; that is all right. Then I have nothing more to say.

Mr. HARRISON. Yes; that was facetious.

Mr. President, I am coming back to sugar for a moment. The pamphlet from which I have quoted is a remarkable one. Twenty-five cent sugar! Sugar to-day, I think, is around 8 or 9 cents, or something like that.

Mr. SMOOT. It is less than that, I will say to the Senator; and if there is not a change in the price of sugar the Senator from Mississippi will have the satisfaction of seeing half the beet-sugar factories of the West in financial trouble. Let me tell the Senator what has happened. I think the sugar-beet producer is about the only farmer in the United States who this year has had such an advantage as I am about to relate. The beet-sugar factories of the West made a contract with the beet growers for the raising of beets for the year 1920 under which the minimum price of the beets was to be \$12 a ton, and for every dollar the sugar sold above \$12 a ton the farmer was to receive \$1 more per ton for his beets. The fact of the matter now is that the farmers have been paid \$12 a ton for their beets while the sugar factories of the intermountain country—I refer to them, I will say, because I know of their situation—still have on hand 95 per cent of all of the sugar manufactured from those beets. The Food Administration said that \$10 beets justified \$11 sugar, but grant that it means but \$10 sugar and see what is happening to the beet-sugar producer. To-day the price of beet sugar is about 7½ cents a pound. The factories have paid \$12 a ton for all of their beets; and I wish now to say to the Senator as to the beet-sugar industry of this country—and I think the cane-sugar industry of Louisiana is about in the same position, although I do not know so much about that as I do about the other



industry—that if there is any satisfaction in seeing the beet-sugar factories financially crippled and many ruined, such a condition will shortly occur unless there is an increase in the price of sugar.

Mr. HARRISON. I shall have no satisfaction in seeing that; I shall get no satisfaction out of it.

Mr. SMOOT. I hoped the Senator would not.

Mr. HARRISON. I am merely talking about Republican hypocrisy in crying out against 25-cent sugar in the campaign while now they are trying to impose still greater burdens on the consuming masses.

Mr. SMOOT. The Senator from Mississippi knows the answer to that suggestion. If the President had acted when he ought to have acted in relation to the Cuban sugar, the sugar industries of this country would not be in the shape in which they are to-day. I stated upon the floor of the Senate that I did not wish to see the price of sugar advance in the way it did, and I know that the sugar manufacturers of the United States did not wish to see it do so, but the situation is precisely as I have explained in relation to the contracts which have been made for this year. They now find themselves, I am sorry to say, about where I expected they would, although I never thought that sugar would go from its high price down to 7½ cents per pound wholesale.

I know that if there can be any relief given by way of tariff to save these industries, perhaps it would be well enough to insert sugar in the pending bill; but I am not asking for that, because I know very well that if the bill is changed from the shape in which it has passed the other House it is not going to pass Congress; in fact, I do not believe that the Senator from Mississippi thinks it will pass anyway during this short session.

Mr. HARRISON. I am afraid it will pass. If the Senator from Utah could say that it would not pass, it would prevent a great deal of worry upon the part of certain Members of the Senate.

Mr. SMOOT. Unless there is developed upon the other side a filibuster against the bill, it is going to pass; I will say to the Senator from Mississippi.

Mr. HARRISON. The Senator from Utah, of course, could not speak without taking a fling at the President of the United States on the sugar proposition.

Mr. SMOOT. No.

Mr. HARRISON. I myself know something about the sugar question. I was a member of the Agricultural Committee, and I had several conferences with the Senator from Utah about the matter. We reported a bill out of the Agricultural Committee which gave the President the right to buy the Cuban crop of sugar, and the Senator from Oregon [Mr. McNARY], the Senator from North Dakota [Mr. GRONNA], and myself, day after day, would rise here and ask that the bill be taken up for consideration. For six weeks, I think it was, the bill was held back and we could not get the legislation passed until it was too late. The Senator from Utah knows that is true.

Mr. SMOOT. Mr. President, I know that the Senator recites the history of the bill; but the Senator also knows that the President had absolute power under then existing law to have purchased the Cuban crop.

Mr. HARRISON. But the President then stated—and the Senator from Utah knows that he did so—that unless the law could be extended for a year he should not feel justified in buying that crop of Cuban sugar. We afterwards gave to him the authority to extend the time.

Mr. SMOOT. The Senator knows that every member but one of the Sugar Equalization Board recommended that the President buy the Cuban sugar crop; and there was only one member of the board who told the President that he thought sugar would be lower in price and not to purchase it, and the President took his advice.

Mr. HARRISON. And he was entirely wrong.

Mr. SMOOT. And it was for that reason the President of the United States did not buy the Cuban sugar crop.

Mr. HARRISON. Yes; and Congress finally came around to the President's way of thinking and passed the law which he said he desired passed, but it took us a long time to do it.

Now, if the Senator is so solicitous about the welfare of the cane and beet sugar producers, as certainly his Republican colleagues in the other House are, why is it that some provision regarding sugar was not put into this bill?

I will tell the reason why they did not put some provision into the bill about sugar, and I do not suppose that there is any question about it. If I lived in Louisiana, I presume, politically I should last about a day, for they would fire me pretty quickly; but the reason why sugar was not placed in the bill was because the Republicans knew they had made a cry in the campaign against 25-cent sugar, and that that cry would rise

to face them and they would be accused of blowing hot and cold at the same time. There is more reason for placing sugar in the bill if it is proposed to try to do something for some of the farmers than for placing some other articles in the bill which are embraced in it.

Mr. SMOOT. Of course, the Senator may put whatever construction he desires to place upon the action taken by the other House, but I am quite sure that he is mistaken in that conclusion.

Mr. HARRISON. I hope I am.

Mr. SMOOT. I am quite sure of it. I desire to say to the Senator that there has not been a day since this emergency tariff bill has been under consideration that I have not received almost hundreds of letters from various parts of the United States asking that certain items be included in the bill; but I recognize the fact that there is no need of trying to pass emergency tariff legislation at this short session unless it covers merely commodities produced by industries which as a whole are in a condition of imminent danger.

Mr. President, that is all there is to this whole matter, as I see it, although I am frank to admit to the Senator that there are one or two articles covered by this bill which are not in imminent danger although, perhaps, they are making no money.

Mr. HARRISON. The Senator thinks unless this bill is passed exactly as it came from the House, as I understand, that there will be no legislation on this subject, and, therefore, his position on the committee is going to be against incorporating other commodities, even though the industries producing them may be suffering greater than the industries producing articles already covered by the bill?

Mr. SMOOT. I can not agree to the latter statement, for I do not think there are any other industries that are suffering more than those producing the articles covered by the bill, with one or two exceptions, as I have already stated.

Mr. HARRISON. What are those exceptions?

Mr. SMOOT. I do not wish to go into the question at this time as to exceptions. If when the bill is before the Senate for consideration the question comes up for discussion, then I shall be perfectly willing to express my opinion.

Mr. HARRISON. Take, for instance, corn, which is covered by the bill. Practically an embargo is placed upon corn, and yet there is not as much corn coming into this country as is raised in one county, say, in Illinois. The Senator, however, would leave corn in and not incorporate some other commodity, such as sugar. It may be that that is the reason why the Senator answered as he did my question about frozen meats awhile ago. We talk about cattle and sheep and other live stock, and yet there is nothing in this bill that prevents the five packers, if you please, from bringing all the frozen meats in here that they desire. In the absence of any suggestion from the Senator, I take it that my assertion is right.

Mr. President, this is a nefarious proposition; it is all wrong in principle; and it will place a heavy burden upon the toiling masses. I am against it. I hope that the committee will have full hearings, bring witnesses before it; and if there are some other industries suffering more than those producing the articles covered by the bill I hope the committee will hear their representatives and then, in the end, kill the whole proposal.

If the farmers and the representatives of farmers on this floor vote for this proposed legislation, their mouths are going to be closed in the extra session of Congress; they will then be unable to fight the nefarious high protective provisions as to some other commodities which will be placed in the bill which will be forthcoming at that time. If my friend from Wisconsin [Mr. LENROOT], with whom I served so long in the House, and who employed his splendid talents there for such a long time attempting to lift the burden from the consuming masses, shall vote for this bill, he will never be able to attack the proposed tariff legislation which will come at the next session as his distinguished colleague [Mr. LA FOLLETTE] attacked the Payne-Aldrich tariff bill. If my friend, the junior Senator from Iowa [Mr. KENYON], and his colleague, the senior Senator from Iowa [Mr. CUMMINS], too, should vote for this measure, they will not be able to give to the country the benefit of their magnificent ability in opposing the outrageous provisions that some of the conscienceless high protectionists will place in the bill coming on in the extra session. The junior Senator from Iowa was not here in the Senate when the Payne-Aldrich law was passed.

If he had been here, I have no doubt what would have been his course. He would have followed the course pursued by his distinguished and illustrious predecessor, Mr. Dolliver, than whom a more brilliant and able Senator never served in this body, who fought the iniquitous tariff law and tried to reduce the high protection rates which the Senator from Utah [Mr.

SMOOT], the senior Senator from Wyoming [Mr. WARREN], and the then Senator from Rhode Island, Mr. Aldrich, tried to place in that bill. It would be pitiful, indeed, to see Senators on the other side of the Chamber who have talked for progress, who have stood for progressive legislation, who have voted against the high protectionist and his methods, attack reactionary legislation in all its forms, vote for this bill and thereby estop themselves from making the gallant fight which otherwise they would make in the coming session.

I presume the Senate will vote down my motion to send the bill to the Interstate Commerce Committee, and then, I presume, they are going to send the bill to the Finance Committee; but let me plead with the Senator from Utah, when the bill gets before his committee, to give all those interested a fair hearing. While the Senator from Utah may see wool sometimes and may see live stock at other times, and may see various other articles at other times, that are covered by this bill, let us not forget the consumers of this country who have been so mercilessly and badly treated during the war because of the high costs of living they had to bear. Let us keep them in mind a little bit, and not make the protection too great.

Mr. SMOOT. Mr. President, the Senator does not for a moment think that it is possible to have a complete revision of the tariff during the short session of Congress, or even to add to the commodities covered by the pending bill to any great extent and to secure its passage at this session?

Mr. HARRISON. If the Senator would take my advice—I do not think he will, but if he should—he would table this measure as soon as it gets to the Finance Committee and would say, "Now, boys, let us get from the Tariff Commission a report on all these matters, as we said we were going to do, and let us frame a reasonable and fair tariff measure for presentation at the extra session of Congress."

Mr. SMOOT. I do not think there will be any rates in the proposed new tariff law which the Senator from Iowa and the Senator from Wisconsin will not be able to support.

Mr. HARRISON. Not if they vote for the pending bill.

Mr. SMOOT. Oh, yes; there is quite a difference between the passing of an emergency tariff bill to meet a serious temporary situation that confronts certain producers in this country and passing a bill to remain on the statute books from year to year. I would not vote for some of the rates proposed in the pending measure in a regular tariff bill, I will say frankly to the Senator.

Mr. HARRISON. If I should vote for the pending measure, or any other Senator on this floor should do so—and I hope there will not be one—the Senator from Utah would cite the fact four hundred and ninety thousand times during the consideration of the new tariff bill in the next session. The 41 Representatives who voted for it on the Democratic side over yonder never will hear the last of it.

Mr. BORAH. On either side.

Mr. HARRISON. "On either side" is well put. So, Mr. President, I submit my motion, and, if the Senator will take my advice, it will work in the interest of the people and not a favored few.

Mr. KING. Mr. President, I shall detain the Senate but a moment.

I voted against the motion of the Senator from North Dakota [Mr. McCUMBER] to table the motion offered by the Senator from Nebraska [Mr. HITCHCOCK]. I thought his motion was premature, untimely, and unfair to the junior Senator from Mississippi [Mr. HARRISON] and other Senators who might desire to discuss the question that was then before the Senate. The question was one which was the subject of legitimate debate, and I deemed it unwise and unfair to cut off opportunity for discussion. But upon the question of reference I intended to and shall vote to refer this bill to the proper and appropriate committee, the Committee on Finance.

During my short period of service in the Senate I have insisted upon the rules of the Senate with respect to committees and their functions and their prerogatives being respected. I am willing to take advantage of situations created or resulting from the rules of this body that will make for the advancement of my party and the country, and I have no regrets in so doing even though it may punish my Republican friends; but when it comes to the question of an observance of the rules of the Senate and of orderly procedure, I do not believe that my party will gain anything or the country derive any benefit by disregarding them. It will be the basis of claims that partisanship or a desire to "play politics" determines and inspires our conduct. In making this observation I am not referring to any particular matter. I am not criticizing those who may believe this measure should be referred to the Commerce Committee. There is much merit in the contention of the Senator from

Nebraska [Mr. HITCHCOCK], but it seems very clear to me that it should go to another committee.

I am opposed to this bill being referred to the Committee on Interstate Commerce or to any other committee except the one to which, under the rules of the Senate, it should properly go; and I shall therefore vote to refer the bill to the Committee on Finance.

Mr. HARRISON. Mr. President, I withdraw my motion to send this bill to the Committee on Interstate Commerce. I made it out of deference to my distinguished friend the Senator from North Dakota [Mr. McCUMBER]. It was the only way in which I could express myself.

Mr. McCUMBER. Then, I move that the bill be referred to the Committee on Finance.

Mr. HARRISON. On that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. HENDERSON (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. McCORMICK]. In his absence I transfer that pair to the junior Senator from Arkansas [Mr. KIRBY] and vote "yea."

Mr. KENDRICK (when his name was called). Making the same announcement as before as to the transfer of my pair, I vote "yea."

Mr. KNOX (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN]. I am informed that if he were present he would vote "yea." Therefore I am at liberty to vote. I vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS], who is absent from the Chamber. In his absence, and being unable to secure a transfer of my pair, I withhold my vote.

Mr. PHIPPS (when his name was called). Again announcing my pair, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. POMERENE (when his name was called). I have a pair with the senior Senator from Iowa [Mr. CUMMINS]. I am advised that his vote on this motion would be the same as my own. I therefore feel at liberty to vote. I vote "yea."

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], but I am advised that if he were present he would vote as I shall vote. I therefore vote "yea."

Mr. WALSH of Montana (when his name was called). I have a general pair with the senior senator from New Jersey [Mr. FRELINGHUYSEN]. I am advised that if he were present he would vote as I shall vote. I accordingly vote. I vote "yea."

The roll call was concluded.

Mr. KELLOGG. I transfer my pair with the senior Senator from North Carolina [Mr. SIMMONS] to the senior Senator from Massachusetts [Mr. LODGE], and vote "yea."

Mr. STERLING. I have a general pair with the senior Senator from South Carolina [Mr. SMITH]. In his absence I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. FLETCHER. I have a general pair with the Senator from Delaware [Mr. BALL]. I understand that if he were here he would vote as I shall vote. I vote "yea."

Mr. DILLINGHAM. I transfer the general pair I have with the senior Senator from Maryland [Mr. SMITH] to the senior Senator from Oregon [Mr. CHAMBERLAIN], and vote "yea."

Mr. EDGE. I have a general pair with the junior Senator from Oklahoma [Mr. OWEN]. In his absence I withhold my vote.

Mr. STERLING. I transfer my pair with the senior Senator from South Carolina [Mr. SMITH] to the junior Senator from Delaware [Mr. BALL], and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New York [Mr. CALDER] with the Senator from Georgia [Mr. HARRIS];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Louisiana [Mr. GAY];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Illinois [Mr. SHERMAN] with the Senator from Virginia [Mr. GLASS];



The Senator from Missouri [Mr. SPENCER] with the Senator from New Mexico [Mr. JONES];

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT].

The roll call was concluded; and the result was announced—yeas 47, nays 0, as follows:

## YEAS—47.

Ashurst	Gronna	Lenroot	Ransdell
Beckham	Hale	McKellar	Reed
Borah	Henderson	McLean	Sheppard
Brandegee	Johnson, Calif.	McNary	Smith, Ga.
Capper	Jones, Wash.	Myers	Smoot
Culberson	Kellogg	Nelson	Stanley
Curtis	Kendrick	New	Sterling
Dillingham	Kenyon	Norris	Sutherland
Elkins	Keyes	Nugent	Townsend
Fletcher	King	Page	Wadsworth
France	Knox	Poindexter	Walsh, Mont.
Gore	La Follette	Pomerene	

## NOT VOTING—49.

Ball	Harding	Overman	Spencer
Calder	Harris	Owen	Swanson
Chamberlain	Harrison	Penrose	Thomas
Colt	Heflin	Phelan	Trammell
Cummins	Hitchcock	Phipps	Underwood
Dial	Johnson, S. Dak.	Pittman	Walsh, Mass.
Edge	Jones, N. Mex.	Robinson	Warren
Fall	Kirby	Sherman	Watson
Fernald	Lodge	Shields	Williams
Frelinghuysen	McCormick	Simmons	Wolcott
Gay	McCumber	Smith, Ariz.	
Gerry	Moses	Smith, Md.	
Glass	Newberry	Smith, S. C.	

The PRESIDING OFFICER. On this motion the yeas are 47, and the nays are none. Messrs. McCUMBER, PHIPPS, and EDGE being present and not voting. The motion prevails and the bill is referred to the Committee on Finance.

## ADJOURNMENT TO THURSDAY.

Mr. CURTIS. I move that the Senate adjourn until Thursday next at 12 o'clock.

Mr. TOWNSEND. Mr. President, ordinarily I should have no objection to this motion being made and carried; but I am reminded of some matters which have occurred in the Senate during the last 10 days, or such a matter, which I think ought to be given some consideration.

I remember a few days ago, when two or three Senators were pressing special bills which they wished to have considered, that the distinguished leader on the Democratic side insisted that one particular bill must be given consideration. He acknowledged that the Republican side, as he said, was responsible for legislation, and that the Democratic membership were not going to put any obstacles in the way, but he gave us due notice that that bill must be considered. The Senator from Maryland [Mr. FRANCE] had a measure which he wished to have given the right of way—

Mr. FLETCHER. Mr. President, I make the point of order that the motion to adjourn is not debatable.

Mr. TOWNSEND. I think it is.

Mr. FLETCHER. No.

Mr. TOWNSEND. It is a motion to adjourn to a day certain.

Mr. FLETCHER. That motion is not debatable either, Mr. President.

The PRESIDING OFFICER. Under the rule, the point of order is well taken. The question is on the motion of the Senator from Kansas [Mr. CURTIS] that the Senate adjourn until Thursday next.

Mr. TOWNSEND. I ask for the yeas and nays on that motion.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. EDGE (when his name was called). Making the same announcement as before, I withhold my vote. If permitted to vote, I would vote "yea."

Mr. FLETCHER (when his name was called). Announcing my pair with the Senator from Delaware [Mr. BALL], I transfer my pair to the junior Senator from Alabama [Mr. HEFLIN] and vote "yea."

Mr. HENDERSON (when his name was called). Making the same announcement of my pair as before and its transfer, I vote "yea."

Mr. KELLOGG (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. In his absence I withhold my vote. If permitted to vote, I would vote "nay."

Mr. KENDRICK (when his name was called). Making the same announcement as to my pair and its transfer, I vote "yea."

Mr. STERLING (when his name was called). Announcing my pair as before, I withhold my vote, not being able to secure a transfer. If at liberty to vote, I would vote "nay."

Mr. WALSH of Montana (when his name was called). I transfer my pair with the Senator from New Jersey [Mr. FRELINGHUYSEN] to the Senator from Arkansas [Mr. ROBINSON] and vote "yea."

The roll call was concluded.

Mr. FLETCHER. I wish to announce that my colleague [Mr. TRAMMELL] is unavoidably absent. He has a general pair with the Senator from Rhode Island [Mr. COLT].

Mr. DILLINGHAM. I again announce my pair with the Senator from Maryland [Mr. SMITH] and withhold my vote.

Mr. POMERENE. A moment ago I announced my pair with the senior Senator from Iowa [Mr. CUMMINS]. I understand there is no objection to my voting on this motion, and I therefore vote "yea."

Mr. SMITH of Georgia. I have a general pair with the senior Senator from Massachusetts [Mr. LONGE], which I transfer to the senior Senator from Tennessee [Mr. SHIELDS], and vote "yea."

The roll call resulted—yeas 29, nays 16, as follows:

## YEAS—29.

Beckham	Gerry	Myers	Smith, Ga.
Brandegee	Gronna	New	Smoot
Capper	Harrison	Norris	Sutherland
Culberson	Henderson	Page	Wadsworth
Curtis	Kendrick	Phipps	Walsh, Mont.
Elkins	King	Pomerene	
Fletcher	Knox	Ransdell	
France	McLean	Reed	

## NAYS—16.

Borah	Kenyon	McKellar	Poindexter
Hale	Keyes	McNary	Sheppard
Johnson, Calif.	La Follette	Nelson	Stanley
Jones, Wash.	Lenroot	Nugent	Townsend

## NOT VOTING—51.

Ashurst	Glass	Moses	Smith, S. C.
Ball	Gore	Newberry	Spencer
Calder	Harding	Overman	Sterling
Chamberlain	Harris	Owen	Swanson
Colt	Heflin	Penrose	Thomas
Cummins	Hitchcock	Phelan	Trammell
Dial	Johnson, S. Dak.	Pittman	Underwood
Dillingham	Jones, N. Mex.	Robinson	Walsh, Mass.
Edge	Kellogg	Sherman	Warren
Fall	Kirby	Shields	Watson
Fernald	Lodge	Simmons	Williams
Frelinghuysen	McCormick	Smith, Ariz.	Wolcott
Gay	McCumber	Smith, Md.	

The PRESIDING OFFICER. On the motion of the Senator from Kansas [Mr. CURTIS] the yeas are 29 and the nays are 16, the following Senators present and not voting: The Senator from New Jersey [Mr. EDGE], the Senator from Minnesota [Mr. KELLOGG], the Senator from South Dakota [Mr. STERLING], and the Senator from Vermont [Mr. DILLINGHAM]. There is a quorum present and the motion prevails.

The Senate thereupon (at 2 o'clock and 52 minutes p. m.) adjourned until Thursday, December 30, 1920, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

MONDAY, December 27, 1920.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father who art in heaven, hallowed by Thy name. We bless Thee that Thou hast permitted us to pass through another Christmas day with its hallowed associations, sacred memories, and far-flung promises; for Thy love reflected in a thousand warm, sympathetic, generous hearts who fed the hungry, clothed the naked, and gave shelter to the homeless; blessings be upon their devoted heads, and long may their memory live to inspire millions yet unborn. Let Thy blessings descend copiously upon each Member of this House and their respective families, imbue them with heavenly gifts that they may solve the problems confronting them to the good of the Republic. Grant that each American citizen may hold up their hands and wait patiently until we reach the normal that we may be an example to all our sister nations under the divine leadership of the Master. Amen.

The Journal of the proceedings of Thursday, December 23, 1920, was read and approved.

## INTERNATIONAL DAIRY CONGRESS.

The SPEAKER. The Chair refers to the Committee on Foreign Affairs the message of the President relative to the international dairy congress, which has been read.

## CHANGE OF REFERENCE.

The SPEAKER. The bill (H. R. 12157) to amend the act of Congress approved June 30, 1913, is by mistake upon the Union Calendar instead of the House Calendar. The Chair directs the change from the Union Calendar to the House Calendar.

## ORDER OF BUSINESS.

The SPEAKER. To-day, by special order, unobjected bills on the Private Calendar are in order.

Mr. GARNER. Mr. Speaker, may I have just a moment to make an inquiry of the gentleman from Wyoming for the purpose of obtaining information? Quite a number of the secretaries of Members who have gone home for the holidays have asked me to advise them of any major matters that are likely to come up, stating that these Members are within a day's travel of the Capital and would like to come back in case of necessity. I think it would be interesting and would enable me to give definite information if the gentleman from Wyoming will please tell us what he hopes to do the balance of this week.

Mr. MONDELL. I had hoped that the sundry civil appropriation bill would be reported to-day and that it could be taken up to-morrow, but I think there is some doubt about that. But in the event that it is not reported to-day it will be reported to-morrow and taken up the following day, and will probably take the balance of the week in its consideration. Just what we will take up to-morrow if the sundry civil bill is not reported to-day I am not quite certain.

Mr. MADDEN. I want to say that it will not be reported to-day. It will be reported to-morrow.

Mr. GARNER. I understand that the full Committee on Appropriations will not meet until to-morrow.

Mr. MONDELL. I had hoped that we would have an appropriation bill ready for consideration to-morrow morning.

Mr. MANN of Illinois. It can not come up on Wednesday. Does the gentleman from Wyoming expect that the House will be here in session on Friday for the consideration of the sundry civil bill?

Mr. MONDELL. I am not sure that that can be done. I am quite sure that we ought to consider the sundry civil bill on Friday, but whether or not the House will be willing to remain in session I am not so sure. We need to get along with our appropriation bills. It is very important that we should, but I am not certain that the Members of the House will want to remain here on Friday.

Mr. DOWELL. There has been a good deal of complaint about the Private Calendar not being taken care of. Is it not possible that it can be taken care of at this time, and the appropriation bills taken up next week?

Mr. MONDELL. I think we would hardly be justified in spending this week on the Private Calendar.

Mr. DOWELL. But if we have a session on Friday, can we not devote that day to the consideration of the Private Calendar?

Mr. MONDELL. If we have nothing more important to consider to-morrow, I have no objection to continuing the consideration of the Private Calendar to-morrow, if we do not get through with it to-day.

Mr. MANN of Illinois. I am sure that the importance of the Private Calendar is not such as to keep a quorum here on Friday of this week, and I am equally certain that it will not be considered on Friday without a quorum.

Mr. DOWELL. Is it not certain that there is no quorum present at this time?

Mr. MONDELL. Oh, I think there is.

Mr. MANN of Illinois. I assume that there is a quorum present.

Mr. DOWELL. I think we all assume that.

Mr. MONDELL. I hope if we do not finish the consideration of the Private Calendar to-day that we may consider it to-morrow.

Mr. GARNER. Mr. Speaker, I have not yet received any more information than I had in the beginning. If I understand the gentleman from Wyoming, he does not know what he is going to be able to do.

Mr. MONDELL. I do know that we will take up the sundry civil bill as soon as it is reported, and if it is not reported to-day, I hope that it will be reported to-morrow.

Mr. GARNER. If it is reported to-morrow, then you will have to get unanimous consent to suspend the business of Calendar Wednesday.

Mr. MONDELL. I do not think that will be difficult.

Mr. GARNER. Or else the committees will have to be called on Wednesday, and then on Thursday you would take up the sundry civil bill and continue the consideration of it?

Mr. MONDELL. I hope to take up the sundry civil bill on Wednesday.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House to bills of the following titles:

S. 46. An act for the protection of the water supply of the town of Sunnyside, Utah;

S. 2964. An act providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Assiniboine Military Reservation in Montana; and

S. 2188. An act to amend section 3 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes," approved March 3, 1901.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4664. An act to amend the first paragraph of section 20 of the act of Congress approved July 17, 1916, known as the Federal farm loan act, as amended by the act of Congress approved April 20, 1920; and

S. 4683. An act to amend section 11 (m) of the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts approved September 7, 1916, and March 3, 1919.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4515. An act to extend the time for the construction of a bridge across the navigable waters of Newark Bay, in the State of New Jersey.

## ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that December 23 they had presented to the President of the United States, for his approval, the following bill:

H. R. 7930. An act to provide for the treatment in hospital of diseased alien seamen.

## SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4664. An act to amend the first paragraph of section 20 of the act of Congress approved July 17, 1916, known as the Federal farm loan act, as amended by the act of Congress approved April 20, 1920; to the Committee on Banking and Currency.

S. 4515. An act to extend the time for the construction of a bridge across the navigable waters of Newark Bay, in the State of New Jersey; to the Committee on Interstate and Foreign Commerce.

S. 4683. An act to amend section 11 (m) of the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts approved September 7, 1916, and March 3, 1919; to the Committee on Banking and Currency.

## THE PRIVATE CALENDAR.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent that the unobjected bills on the Private Calendar be considered in the House as in Committee of the Whole.

Mr. MANN of Illinois. That has already been ordered.

The SPEAKER. That order has already been agreed to.

## LEAVE OF ABSENCE.

Mr. PARK. Mr. Speaker, I ask unanimous consent for leave of absence for my colleague [Mr. BRAND] until next Monday.

The SPEAKER. Without objection, that leave will be granted. The Chair will state that it will facilitate the business of the House if personal requests of that kind are transmitted to the desk in writing. The Clerk will report the first bill on the Private Calendar.

## MAJ. GEN. CROWDER.

The first business on the Private Calendar was the bill (H. R. 2867) to authorize the President, when Maj. Gen. Crowder retires, to place him on the retired list of the Army as a lieutenant general.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MADDEN. I object, Mr. Speaker.



Mr. RUCKER. Will the gentleman withhold his objection for a moment?

Mr. MADDEN. I object to its consideration to-day.

LEWIS J. BLAIR.

The next business on the Private Calendar was the bill (H. R. 3791) to pay the heirs of Lewis J. Blair, late lieutenant colonel of the Eighty-eighth Regiment Indiana Volunteer Infantry, amount found due him by the Court of Claims.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN of Illinois. I object.

VAN DORN IRON WORKS CO.

The next business on the Private Calendar was the bill (H. R. 9257) for the relief of the Van Dorn Iron Works Co.

The SPEAKER. Is there objection?

Mr. BLANTON. I object.

W. LOAIZA & CO.

The next business on the Private Calendar was the bill (H. R. 11067) to refund certain duties paid by W. Loaiza & Co.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, I would like to ask the author of the bill a question. As I do not see the gentleman present, I will object.

BENJAMIN O. KERLEE.

The next business on the Private Calendar was the bill (S. 25) for the relief of Benjamin O. Kerlee.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, I would like to ask the gentleman a question. What is this bill?

Mr. WALSH. I reserve the right to object.

Mr. EVANS of Montana. The situation is this: This man, Benjamin O. Kerlee, was employed in the Forestry Service out in Montana. He met with an accident. A tree fell on him in the performance of his duty. One of his legs was broken, his ankle broken, and also some of his ribs, and he was otherwise injured. He was taken to a hospital where he stayed for 14 months. For 10 or 12 months the Government carried him on the pay roll as an employee. At the end of the 12 months the Government discharged him as no longer being able to perform the duties as an employee in the Forestry Service. He is now a cripple, with five children, without means, and practically a mendicant in the community in which he lives. This bill is to give him one year's compensation.

Mr. BLANTON. We have a statute already covering just such cases as this, have we not?

Mr. EVANS of Montana. Yes.

Mr. BLANTON. This case does not come within the provisions of the statute in that the accident occurred before the statute was passed?

Mr. EVANS of Montana. No; he met with this accident after the statute was passed. I think the department holds that it paid him the equivalent of one year's compensation when it left him on the pay roll for 10 months.

Mr. BLANTON. Did they not keep him on the pay roll for a year?

Mr. EVANS of Montana. My understanding is for 10 months; but I may be in error. They paid him a compensation equivalent to a year's compensation while he was disabled and in the hospital.

Mr. BLANTON. Really, as a matter of fact, if he had been killed, under the compensation law with respect to employees of the Government—if he had been killed in the line of service his family would not have been entitled to more than a year's salary, would they?

Mr. EVANS of Montana. I presume that is correct.

Mr. BLANTON. He was not killed, but he himself has received practically as much under the law as his family would have received had he been killed.

Mr. EVANS of Montana. That may be so.

Mr. BLANTON. The bill under consideration seeks to pay him the full amount that the statute provides for regardless of what has already been allowed him. Is not that the fact?

Mr. EVANS of Montana. That may be so.

Mr. BLANTON. Does the gentleman think that is good policy—for the Congress to make exception in his case when almost every person that comes within the provision of the statute will probably come in and ask us to do likewise?

Mr. EVANS of Montana. Mr. Speaker, it appears to me that Congress ought to be fairly liberal in taking care of its crippled employees. Here is a man with a wife and five small children starving, crippled, can not get around, has been so for the past three years, and yet we can appropriate a billion dollars for war machines to cripple more people, and I think before we do that we should take care of these cripples at home.

Mr. BLANTON. I want to call the gentleman's attention to the fact that during the war, in Houston, Tex., a regiment of negro soldiers mutinied and ran rampant through the city, shooting everybody that came in their way, running bayonets into the stomachs of young girls, killing poor policemen, leaving their families destitute; all of such cases being of the most extreme cruelty imaginable, there being over a score of them, and these claims have been before Congress for three years, favorably reported by the committee, and nothing has been done with respect to these claims. When we have such claims as that before Congress, I submit that those claims ought to take precedence of a claim where a man has already received compensation.

Mr. EVANS of Montana. I am sure I shall not oppose payment of such claims as you mention.

Mr. McLAUGHLIN of Michigan. Does the gentleman think that objection to this would expedite those claims?

Mr. BLANTON. No; my objection is that we should not make an exception and go beyond the policy prescribed by Congress in the past.

Mr. DOWELL. Mr. Speaker, I call for the regular order.

Mr. BLANTON. I object.

KATIE NORVALL.

The next business on the Private Calendar was the bill (S. 1546) for the relief of Katie Norvall.

The SPEAKER. Is there objection?

Mr. MANN of Illinois. Mr. Speaker, I ask for the reading of the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of \$1,173.12 as full compensation to Katie Norvall for the death of her husband, G. Norvall, who was drowned while engaged in the performance of his duties as fireman and engineer, as a result of a collision between the navy-yard launch Highlander and the ferryboat Vallejo near the Mare Island ferry slip, Vallejo, Calif.*

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN of Illinois. Mr. Speaker, reserving the right to object, is the amount allowed here one year's compensation?

Mr. EDMONDS. One year's compensation.

Mr. MANN of Illinois. What was this man's title?

Mr. EDMONDS. Well, he was a fireman and engineer.

Mr. MANN of Illinois. What was his salary in the Navy?

Mr. EDMONDS. Three dollars and seventy-six cents a day was the salary.

Mr. JONES of Texas. Reserving the right to object, is this the case that arose after the provisions of the compensation act were passed?

Mr. EDMONDS. Oh, no; this is in 1907, before that. We give exactly what we have given in cases of this kind—one year's pay.

Mr. MANN of Illinois. Well, the compensation act would not apply to a case of this sort. Does not this man's widow get a pension?

Mr. JONES of Texas. I could not hear what the gentleman was saying, and I was trying to ascertain in reference to the case.

Mr. MANN of Illinois. It is a fireman or engineer in the Navy, who lost his life by drowning. Does not the Government make provision in a case of that sort to the dependents?

Mr. EDMONDS. Secretary Daniels in his letter recommended the payment to the widow the same as in the compensation act.

Mr. MANN of Illinois. The Federal compensation act does not apply, I think, to Army and Navy enlisted men or officers.

Mr. EDMONDS. I am not quite sure this man was an enlisted man.

Mr. MANN of Illinois. Well, I do not know whether he was an enlisted man or not. I have no way of knowing, but I should think that is one of the things that would be told.

Mr. EDMONDS. It is not mentioned in the testimony given by the lieutenant of the Navy that the man was an enlisted man, and the Secretary of the Navy recommended the passage of the bill along the lines of the Federal compensation act.

Mr. JONES of Texas. If the gentleman will yield for one further question, does the testimony show whether the man was in the service?

Mr. EDMONDS. He was employed by the Government, but whether he was an enlisted man or not I do not know.

Mr. JONES of Texas. The committee did not find what the nature of the service was?

Mr. EDMONDS. Oh, yes; he was running the engine.

Mr. JONES of Texas. What were his regular duties?

Mr. EDMONDS. This was a small launch, and he ran the engine and did the firing, both.

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the committee if it is the general policy of the committee when claims of this character are introduced, not covered by the Government compensation act, to report favorably any bill that shows the man was in some branch of the Government service and to allow a year's pay?

Mr. EDMONDS. We do not report every bill; no; but we report bills where it shows conclusively that the accident comes through the employment and not through the carelessness of the individual. This was occasioned by a collision between two boats.

Mr. BANKHEAD. That is the general policy of the committee?

Mr. EDMONDS. In the event we find the case worthy, we give the man one year's compensation, if it happened before the compensation act was passed.

Mr. BANKHEAD. That is the case with all—

Mr. EDMONDS. Most of them; we have not done anything with them yet in the Postal Service, but every other service we have.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of \$1,173.12 as full compensation to Katie Norvall for the death of her husband, G. Norvall, who was drowned while engaged in the performance of his duties as fireman and engineer, as a result of a collision between the navy-yard launch *Highlander* and the ferryboat *Vallejo* near the Mare Island ferry slip, Vallejo, Calif.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOSE RAMON CORDOVA.

The next business in order on the Private Calendar was the bill (H. R. 1034) for the relief of Jose Ramon Cordova.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. May we have the bill reported?

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jose Ramon Cordova, of Cortez, Colo., the sum of \$5,000 for injuries by gunshot while serving as deputy marshal in the arrest of renegade Indians at Bluff City, Utah, February 21, 1915.

The committee amendment was read, as follows:

In line 6 strike out "\$5,000" and insert "\$1,095."

Mr. BLANTON. Mr. Speaker, reserving the right to object in order to ask a question—the chairman is going to insist on the committee amendment?

Mr. TAYLOR of Colorado. I will say yes. This bill and the next one are the same character of bills. It is a year's salary.

Mr. BLANTON. If that is going to be the case, I shall not object.

Mr. TAYLOR of Colorado. That is going to be the case. I may say this man is helpless, crippled for life, by being shot up by the Indians when he was deputy sheriff. This bill and the one following it are a year's salary.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

MRS. JOSEPH C. AKIN.

The next business in order on the Private Calendar was the bill (H. R. 1035) for the relief of the widow of Joseph C. Akin.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I understand the gentleman from Colorado to say that the same committee amendment would be offered to this bill—

Mr. EDMONDS. This does not require amendment; it carries the same amount.

Mr. TAYLOR of Colorado. They are companion bills which grew out of the same transaction.

Mr. BLANTON. It is one year's salary?

Mr. TAYLOR of Colorado. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Joseph C. Akin, of Dolores, Montezuma County, Colo., widow of Joseph C. Akin, who, while in the discharge of his duty as a deputy United States marshal, was killed by a band of renegade Ute Indians while he was attempting to arrest one Tse-Ne-Gat, a Ute Indian charged with murder, on the 21st day of February, 1915, the sum of \$1,095, on account of the murder of her said husband while in the regular discharge of his duties in the service of the Government of the United States.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote by which the bill was passed was laid on the table.

EDWARD S. FARROW.

The next business on the Private Calendar was the bill (S. 2259) for the relief of Edward S. Farrow.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLANTON. Mr. Speaker, may we have the bill reported?

Mr. MANN of Illinois. Mr. Speaker, I object.

RELIEF OF LEAVENWORTH BRIDGE CO.

The next business on the Private Calendar was the bill (H. R. 12015) for the relief of the Leavenworth Bridge Co., of Leavenworth, Kans.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I object.

V. E. SCHERMERHORN, E. C. CALEY, G. W. CAMPBELL, AND PHILIP HUDSPETH.

The next business on the Private Calendar was the bill (S. 1330) for the relief of V. E. Schermerhorn, E. C. Caley, G. W. Campbell, and Philip Hudspeth.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. I object, Mr. Speaker.

JAMES E. CONNORS.

The next business on the Private Calendar was the bill (H. R. 11410) for the relief of James E. Connors.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I ask to have the bill read.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of James E. Connors the sum of \$25,000 in compensation for injuries caused by a Navy automobile, resulting in the amputation of his left foot.

Also the following committee amendment was read:

Line 6, strike out "\$25,000" and insert in lieu thereof "\$2,500."

The SPEAKER. Is there objection?

Mr. MANN of Illinois. Mr. Speaker, reserving the right to object, first, the question of one year's compensation can not arise here; but do the gentlemen on the committee think it a proper criterion of measurement to pay a widow \$1,000 for the loss of her husband while we pay \$2,500 to a boy for the loss of his foot?

Mr. EDMONDS. In one case the compensation was covered by law.

Mr. MANN of Illinois. Oh, no; the gentleman is mistaken. If compensation were covered by law there would be no bill here. In one case the gentlemen measured the compensation by what it would have been if the law applied to that man's case.

Mr. EDMONDS. That is it exactly.

Mr. MANN of Illinois. In the other case, there being no method of compensation, does it not seem as though a measure of common sense, after all, ought to be applied? Of course, we do not endeavor to make full compensation for the loss of anybody's limb or life, in civil life or anywhere else, for that matter. Now, I believe where we provided by law that compensation might be allowed of one year's pay, we ought not to give a greater amount to somebody who did not come within the terms of the law. That has been the rule, and that is the rule that the committee is following now. Ought we, when we step outside of that measurement, give two or three times as much for less injury?

Mr. EDMONDS. How would the gentleman measure the compensation of an eight-year old boy who was not working for anybody and had no compensation?



Mr. MANN of Illinois. Simply because somebody asked for \$25,000 I would not divide it by 10 and call that the compensation. I do not think it is fair, inasmuch as the Government is under no legal obligation and probably under no moral obligation to make any compensation. Accidents happen, and the Government does not guarantee people against accidents. If the gentleman himself should get injured in an accident down the street here, as somebody is getting injured every day, the Government would not make compensation. It does not seem to me right, with the two bills just passed and approved, so far as I am concerned, to pay \$1,095 in two cases where men were murdered in the discharge of their duty, that here should come along a bill to compensate a boy for an accident in which he loses his foot, and where the Government is under neither moral nor legal obligation and where you propose to pay him more than twice as much.

Mr. EDMONDS. I differ a little bit from the gentleman. I know he looks at these claim bills closely and studies them. But we have passed twice in this session outside bills, where people outside of the employ of the Government have been damaged by accidents. The one was the case of a man in Kansas City who was run over and killed by an automobile, and who got \$5,000; the other was that of a young lady down in Texas who was scarred badly by a barbed wire and very much disfigured, and I think she got \$3,500, or maybe more, I do not remember the exact amount. In this case this young boy was standing in front of the Brooklyn Navy Yard; the fire alarm rang and the truck rushed out and ran over him. He had to have his limb amputated and he will have to go on one leg for life. If he had redress against a private party, he would probably get \$5,000 or \$10,000 for the accident. But the committee takes it for granted that if a life is worth \$5,000, he is entitled to half of that for the loss of one leg.

Mr. MANN of Illinois. The gentleman's theory is that a man who is injured by Government machinery would be better off were he a private citizen outside of the employ of the Government than to be inside of the Government. The Government will pay more to a man who is not working for it than to a man who is working for it.

Mr. EDMONDS. When a man is working for the Government he accepts to a certain extent the risk of the employment.

Mr. MANN of Illinois. This boy would not have been injured at all if it was not somebody's negligence besides the Government.

Mr. BLANTON. Mr. Speaker, reserving the right to object, in the two cases mentioned by the chairman, one was an automobile truck case, and the evidence in that case showed that the truck driver was in the service, a soldier, and he was running his truck on the wrong side of the street, where pedestrians did not expect that a truck would come along.

The other case was where a little girl was not on the Government field at all, but outside of it, with a wire fence between, and where the operator of a machine lost control of it and it ran through the wire fence and injured her. These are two extreme cases. This is a case where a young boy, a child 8 years old, an infant, was not going about his own business, but through curiosity was attracted by the sound of the blowing of a horn and went to the Brooklyn Navy Yard. If he had had his mother or somebody to take care of him, he would not have been out there in a place of danger. If we are going to allow compensation for this kind of an accident, just as stated by the gentleman from Illinois [Mr. MANN], we can not turn down the thousands of cases that come here year after year asking for compensation for accidents on the outside.

Mr. BEGG. Does not the gentleman know that the testimony shows that the truck driver was careless, and was discharged for being careless and incompetent?

Mr. BLANTON. Yes.

Mr. BEGG. How can the gentleman blame the little boy?

Mr. BLANTON. If the child had had somebody to look after him, if there had not been negligence on the part of the child's parents, he would not have been out there and have caused the discharge of the truck driver.

Mr. BEGG. If there had been somebody there taking care of the child, both of them would have been run over, because there is no evidence whatever that the child was careless.

Mr. BLANTON. If the report of the committee means anything, the report shows that it was curiosity that took the child there. The report shows that the child was attracted out there by the sound of this siren.

Mr. BEGG. Was not that a perfectly logical and natural thing to happen?

Mr. BLANTON. Yes.

Mr. BEGG. Do you not believe that when the operator of a truck is careless and incompetent, even though it is a Govern-

ment truck, a person injured by that carelessness ought to be compensated for it?

Mr. BLANTON. If you let this claim go through, then every single time that a fire-engine gong rings going down Pennsylvania Avenue, and some little child runs out and gets hurt, Congress will have to respond in damages to the parents. How can you get around it? It establishes a precedent. It is the precedent in this case that I object to.

Mr. BEGG. Will the gentleman yield once more?

Mr. BLANTON. I will.

Mr. BEGG. Suppose a fire engine in your city at home injures a private citizen, and the testimony shows that the injury is caused by the negligence of the driver of the fire engine, can not the injured person hold the city?

Mr. BLANTON. The law says he can not. The Supreme Court of the United States has held that he can not, and the gentleman's Committee on Claims has held that he can not. It is only an exception that they are making now in reporting this bill. The Government is not responsible at all for such a case.

Mr. CARAWAY. Will the gentleman from Texas yield?

Mr. BLANTON. I yield.

Mr. CARAWAY. Is the gentleman from Texas serious in his contention that because this little child happened not to have somebody caring for him he ought to be denied any redress?

Mr. BLANTON. The child is not going to get any redress. We are remunerating the parents for the injury.

Mr. BEGG. Is it the gentleman's contention that under this bill the money would be paid to the parents and not to the guardian of the child?

Mr. BLANTON. In some instances, in my experience around courthouses for 20 years, where you pay money for an injury to a child 8 years old the parents sometimes get the benefit of the money, and not the child.

Mr. CARAWAY. I wonder if that is not the fault of the enforcement of the law in Texas.

Mr. BLANTON. That is the case in Arkansas also.

Mr. CARAWAY. No; the gentleman will speak for his own State. In my State we put people in the penitentiary for stealing from a minor. [Laughter.]

Mr. BLANTON. Yes; you put them in a penitentiary sometimes, and sometimes they get away from you.

Mr. CARAWAY. Yes; and go to Texas. [Laughter.] Congress enacted a law for the government of the District of Columbia, and the gentleman said that if a child rushed out on Pennsylvania Avenue and was run over by a fire truck he would come to Congress. Now, we passed a law which made the District of Columbia liable for injuries caused by the negligence of its employees, and we put it in the power of injured persons in the District of Columbia to sue in the courts of the District of Columbia and collect judgment against it.

Mr. BLANTON. I will reply to the distinguished Senator from Arkansas by asking him a question.

Mr. CARAWAY. I shall be glad to answer it.

Mr. BLANTON. The gentleman helped to pass a statute to compensate Government employees injured in the line of their duty. Is the gentleman willing to pass another statute to make the United States Government responsible for every accident that occurs to a citizen of the United States because, forsooth, he is injured through the negligence of some Government employee?

Mr. CARAWAY. I am willing, indeed, to do that; and I have always thought it was an infamous outrage that the Government should be permitted to destroy life and private property and not compensate those who are damaged.

Mr. BLANTON. Then the gentleman ought to help pass that general statute, because there have been hundreds of such claims during the last 10 years.

Mr. CARAWAY. Let me understand what the gentleman means. Does the gentleman contend that the Government ought to be immune from its own negligence? I ask him that as a matter of common justice.

Mr. BLANTON. That is the law of the land, and the Supreme Court has so held. If the law is wrong the gentleman is a lawmaker and is going to be promoted very soon, and he ought to be in a position to help change the law.

Mr. CARAWAY. The Constitution of the United States forbids the taking of private property for public use without compensation. Under the gentleman's theory, if it takes nothing but life and limb, it ought to go scot free.

Mr. BLANTON. There is much negligence on the part of Government employees. We now have over twice as many Government employees as we had before the war, and there is over twice as much negligence going on all the time. If the Government is going to pay for all the negligence, we might as

well do like Russia, repudiate our honest obligations and say we will not pay any more debts, because we would soon not have any money left to pay Government debts.

Mr. CARAWAY. Because the Government is not getting any work out of the clerks, does the gentleman think that warrants us in denying relief to a child crippled for life by a careless truck driver?

Mr. BLANTON. The gentleman is trying to establish a precedent—

Mr. CARAWAY. The precedent is already established.

Mr. MANN of Illinois. There is no claim here that any Government official was negligent.

Mr. BLANTON. The truck driver was discharged.

Mr. MANN of Illinois. This case has been passed upon by the court. The court says, "It is the opinion of the court that no responsibility for this accident can be placed upon any person or persons," and clearly the court found that there was no negligence on the part of the truck driver.

Mr. BLANTON. Then why was he discharged?

Mr. MANN of Illinois. I know nothing about that.

Mr. BLANTON. I am sure that the gentleman from Illinois recognizes that this is a departure from the policy of this Government.

Mr. MANN of Illinois. This goes further than the paying for negligence.

Mr. BLANTON. It goes further than any other bill ever passed.

Mr. ROSE. If the gentleman will allow me, in the discussion of this case the gentleman from Texas [Mr. BLANTON] referred to the report by the committee, and says he takes for granted that it is true. I happen to be a member of the committee to which the case was referred. We have made a report, and I want to say that we will stand behind that report, because it has been well supported by evidence before the committee. This particular case will not establish a precedent on the part of the Government.

The Committee on Claims takes up every case that comes before it on its merits. While it is true that the Government of the United States is not responsible for the payment of damages for injuries caused by the negligence of employees, it is clear that children rightfully on our streets—notwithstanding the gentleman thinks that the child should not be on the street without a guardian or parent—are entitled to more care and consideration by drivers of automobiles and other conveyances than persons of mature years. If the argument of the gentleman from Texas [Mr. BLANTON] were carried to its logical conclusion, no child or person of tender years would be permitted on our public streets unless accompanied by a parent or guardian.

Mr. BLANTON. This was an 8-year-old child, and he ought to have been accompanied by a nurse, his parents, or a guardian.

Mr. ROSE. A child 8 years old has a right to be upon the street. You compel him to go to school, and if he does not go to school he is taken in charge by the truant officer and punished as the law provides. This particular case has appealed very strongly to the members of the Claims Committee.

I think this child, 8 years of age, for whom relief is sought, who had a perfect right on the street, did exactly what you or I would have done. His attention was attracted and he looked into the grounds from whence an alarm came, and while standing on the pavement was hit by an automobile driven by a careless driver who did not blow the horn or give any sign of approach, resulting in the loss of a foot.

No person saw the accident except two little boys selling papers on the street. The claim was made here for \$25,000, but the committee reduced the amount to the sum of \$2,500.

Mr. BLANTON. My good friend from Pennsylvania is a distinguished lawyer, and he has left a part of the crucial facts in the case out of his recitation. The driver who came out of the gate, a United States navy yard gate, did not expect that there would be a little child 8 years old on the inside of Government property. He had reason to believe that there would be nobody there.

Mr. ROSE. The boy was not on the Government property. He was outside the gate.

Mr. BLANTON. He ran into the open gate.

Mr. ROSE. No. The right hind wheel hit a stone buffer, and if it had not hit the buffer it would have gone straight out and would not have touched the boy. The sharp turn by the driver was the real cause of the accident.

Mr. BLANTON. Is the gentleman willing to pass a statute making the Government responsible for damages for all injuries

of private citizens occasioned by the negligence of Government employees?

Mr. ROSE. By no means.

Mr. BLANTON. That is what this case does, we establish the precedent. It is a departure from the policy that Congress has always pursued.

Mr. KING. Mr. Speaker, I made the suggestion that there be no action brought against this child for obstructing the traffic.

Mr. BLANTON. Over in France there would be a prosecution, for they make such obstruction an offense. I do not think it is a good law.

Mr. ROSE. In almost every State in the Union there is a statute providing that no negligence shall be imputed against a child under 7 years of age. That is the law in Pennsylvania. I do not know what it is in other States.

Mr. BLANTON. This child was 8 years old.

Mr. ROSE. The child was over 7, but in my opinion he was on the street lawfully, and did not contribute to the accident.

Mr. BLANTON. Mr. Speaker, I object.

GEORGE W. WOODALL.

The next business on the Private Calendar was the bill (H. R. 3564) for the relief of George W. Woodall.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the sum of \$4,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to reimburse George W. Woodall for money paid as cash indemnity to the Southern Surety Co., bondsman for Arthur A. Steele, indicted for violation of the white slave traffic act of June 25, 1910, who was afterwards, to wit, on the 14th day of September, 1916, duly tried and convicted in the district court of the United States for the eastern district of Michigan for his offense and sentenced to imprisonment at hard labor in the United States penitentiary at Leavenworth, Kans., for a period of two and one-half years, the said George W. Woodall rendering material aid to the Government in the apprehension and prosecution of the said Arthur A. Steele, said cash indemnity of \$4,000 having been deposited by said Woodall with said Southern Surety Co. before the execution of said surety bond and said surety company having paid the same to the proper officers of said court.

The committee amendments were read, as follows:

Page 1, line 3, strike out "\$4,000" and insert in lieu thereof "\$3,649.02."

Page 2, line 6, strike out "\$4,000" and insert in lieu thereof "\$3,649.02."

The SPEAKER. Is there objection?

Mr. MANN of Illinois. Mr. Speaker, I reserve the right to object. As far as I can gather from the report it is akin to a class of cases which we frequently pay, but it seems to me it differentiates in this case, for while the claimant pretends to be helpful to the Government in trying to apprehend the prisoner whose bail he had gone and had him followed the Department of Justice says he did not aid. I understand that although he knew where the prisoner was he did not furnish the information.

Mr. KELLY of Pennsylvania. Mr. Speaker—

Mr. MANN of Illinois. Now, it seems to me the question is whether we will advertise that a person can go bond for a prisoner and then when the prisoner escapes and if he stays escaped the prisoner may recompense the bondsman, and if they succeed in getting the prisoner again the Government will refund the amount of the bond. Just at this time when crime is prevalent, when prisoners everywhere are seeking to get out on bonds, many of which are worthless, I wonder if it is desirable for us to advertise that we will follow such a course.

Mr. KELLY of Pennsylvania. Mr. Speaker, this bill was brought to the committee and the case was thoroughly investigated. The bill provides for the return of the amount of the bond put up by the man who is not a professional bondsman, but a relative of the person accused. There is deducted the amount of the expense that the Government actually sustained in bringing the criminal back to trial. Arthur Steele was charged with violation of the Mann White Slave Act, was arrested and was released on bail of \$4,000. His step-father put up the amount of money in cash, \$4,000, not as a professional bondsman, but on account of the prisoner's relationship to his wife. The man fled and was apprehended in Kansas City. Mr. Woodall, who furnished the bond, paid the expenses of a patrolman, sent him to Cincinnati, Toledo, and elsewhere to recover the fugitive, and finally discovered he had gone to Kansas City. Steele had been injured and was in the hospital and Woodall understood that the Federal officers had him under surveillance. He concluded that he had no further responsibility because the fugitive was in the custody of the Federal officers and that he could easily be brought back. Woodall now makes claim for the return of this amount he advanced for bail bond. There is an affidavit stating that Woodall believed the Federal officers had the fugitive under their sur-



veillance in Kansas City and that he is entitled to the return of the bond. I believe that is a fair statement of the case.

Mr. BLANTON. Will the gentleman yield?

Mr. KELLY of Pennsylvania. I will.

Mr. BLANTON. In any such case as this when a defendant fails to appear judgment nisi is entered by the court, which the gentleman knows is not a final judgment. After the apprehension of the defendant the court holds such judgment in abeyance as not binding and in many instances where certain facts are brought to his attention he sets the judgment nisi aside and holds it for naught, and where the money has been paid in lieu of the bond the money is returned to the party who pays it. Does any member of the committee know that was not done in this case, that the court might not have entered final judgment with reference to the \$4,000 which had been put up in lieu of the bond by the claimant Woodall but had in fact been left to his credit in the court and was sent back by the—

Mr. KELLY of Pennsylvania. The gentleman is entirely mistaken. There is an affidavit by the Southern Surety Co. stating that this \$4,000 was paid.

Mr. BLANTON. And never returned?

Mr. KELLY of Pennsylvania. And never returned to the claimant. The prisoner was rearrested and everyone has been made whole save the bondsman.

Mr. BEGG. Will the gentleman yield?

Mr. KELLY of Pennsylvania. I will.

Mr. BEGG. What is this about the post card Mr. Woodall wrote to his wife when the Department of Justice says that the writing of this letter was the only clue that the Department of Justice had in locating the criminal? If Mr. Woodall was bona fide trying to apprehend this man for the Department of Justice, why did not he notify them?

Mr. KELLY of Pennsylvania. That question came to the committee in exactly that form. But Mr. Woodall made an affidavit he had gone to Kansas City and that he found the prisoner in the hands of the Federal officers and under their surveillance and therefore he did not believe it was necessary to notify the Federal officials.

Mr. BEGG. Whose word are we to take, that of the Federal department or Woodall, who wants the money back?

Mr. KELLY of Pennsylvania. The case is before the House for its decision. The committee went into that thoroughly, and has Woodall's affidavit that he had this information and that he hired a patrolman at his own expense to discover the fugitive.

Mr. BEGG. Until they can furnish some other evidence than the affidavit of the man who is interested in the money, I shall be forced to object.

The SPEAKER. Objection is heard.

#### STEAM LIGHTER "CORNELIA."

The next business in order on the Private Calendar was the bill (S. 1004) for the relief of the owner of the steam lighter *Cornelia*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I notice these bills carry an appropriation in section 2.

As I recall it, there have been one or two measures passed when that section was stricken out.

Mr. EDMONDS. I will offer an amendment striking that section out and putting in the regular amendment agreed to on the other bill.

Mr. WALSH. There is not any other to take the place of it, as I recall it.

Mr. EDMONDS. It is to make it conform with the other bills that were passed. It is as follows:

Strike out section 2, lines 9 to 15, inclusive.

In line 8, after the word "appeal," place a colon instead of a period and add the following: "Provided, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: Provided further, That said suit shall be brought and commenced within four months of the date of the passage of this act."

We put it in all the other bills.

Mr. WALSH. That is in place of section 3 that was stricken out. But that amendment was put in the other bill in place of section 3?

Mr. EDMONDS. We were perfectly willing to strike out section 2 and put this in the proper form.

Mr. WALSH. And eliminate section 3?

Mr. EDMONDS. Yes.

Mr. BLANTON. Reserving the right to object, I would like to ask the gentleman a question, namely, if on the passage of such bills as this the gentleman recognizes we are sitting as a

court of equity and not a court of law, because the law does not grant relief in these cases?

Mr. EDMONDS. That is very true.

Mr. BLANTON. And there is a principle of equity that he who seeks equity must come into the court of equity with clean hands?

Mr. EDMONDS. I think so. I am not a lawyer, though.

Mr. BLANTON. In this instance does not the chairman of the committee think the *Cornelia*, in seeking damages at the hands of the United States, should at least show that she was not guilty of negligence?

Mr. EDMONDS. I wish to say to the gentleman that there is no appropriation made, and I can not see any harm in letting this case go to court and letting the court decide it. It is impossible for us to decide it. One side contends one thing and one another.

Mr. BLANTON. The gentleman's report shows the *Cornelia* was guilty of negligence. I will call your attention to one paragraph of the report of the Secretary of the Navy to the Senate committee on this very case, which reads as follows:

That there was no negligence on the part of the personnel of either ship, except that the master of the *Cornelia* did not have a regularly stationed lookout in the bow of his vessel.

That was a safeguard that was required—

Mr. EDMONDS. The gentleman must realize that is the statement of one side.

Mr. BLANTON. That is the statement of the Secretary of the Navy of the United States Government after an investigation had been made in this case; that is his report based upon the investigation.

Mr. EDMONDS. That is the statement of one side—the Secretary of the Navy's side.

Mr. BLANTON. Are we going to take the Government side of the proposition or somebody else's side?

Mr. EDMONDS. We are going to allow the court to decide that. It is fair to give a man a day in court in a collision case, if he asks for it.

Mr. BLANTON. I am going to object, Mr. Speaker.

The SPEAKER. Objection is made, and the Clerk will report the next bill.

#### SCHOONER "HORATIO G. FOSS."

The next business in order on the Private Calendar was the bill (S. 1006) for the relief of the owners of the schooner *Horatio G. Foss*.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLANTON. Reserving the right to object, I have not had time to go through the report, Mr. Speaker.

Mr. EDMONDS. This is the same thing as the last case.

Mr. BLANTON. It is an identical case?

Mr. EDMONDS. Yes.

Mr. BLANTON. They failed to have a lookout stationed?

Mr. EDMONDS. They say in the darkness this ship was anchored in the regular channel for vessels, and she had no fog signal on her, and, of course, she was in a collision. That is what the Secretary of the Navy says.

Mr. WHITE of Maine. As I understand it, this is simply a case where a vessel anchored in a fog.

Mr. BLANTON. And she anchored knowing that she was in the path?

Mr. WHITE of Maine. Oh, no; she was in a fog, and did not know where she was.

Mr. BLANTON. Was not she in the path of vessels?

Mr. EDMONDS. She was, but she did not know at all where she was anchored.

Mr. BLANTON. When she anchored she knew maritime laws required her to ring a fog bell and to keep other ships that might come along and were in the same predicament from running into her?

Mr. EDMONDS. That is true.

Mr. BLANTON. And she did not do it?

Mr. EDMONDS. That is true.

Mr. BLANTON. Then I object.

The SPEAKER. The gentleman from Texas objects, and the Clerk will report the next bill.

#### LEGAL REPRESENTATIVES OF DONNELLY AND EGAN.

The next business on the Private Calendar was the bill (H. R. 3977) for the relief of the legal representatives of Donnelly and Egan, deceased.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. WALSH. I object.

Mr. FOCHT. I hope the gentleman will withdraw his objection.

Mr. WALSH. I will reserve the right to object.

Mr. FOCHT. In the absence of the gentleman from Pennsylvania [Mr. DARROW] who introduced the bill and the gentleman from New York [Mr. O'CONNOR] who reported it, I ask that the bill go over without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

PETER M'KAY.

The next bill on the Private Calendar was the bill (S. 390) for the relief of Peter McKay.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. I ask that the bill be reported, Mr. Speaker.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Peter McKay, or his legal representatives, the sum of \$2,500, as full compensation for permanent injuries received by the said McKay on the 5th day of May, 1904, at Fort Worden, in the State of Washington, by being struck with a large piece of log hurled by the explosion of an excessive blast of powder discharged without warning by employees of the United States Government engaged in clearing lands at said Fort Worden under the direction and control of the United States Government.

Also the following committee amendment was read:

Page 1, line 6, strike out the figures "\$2,500" and insert in lieu thereof the figures "\$939."

Mr. WALSH. Mr. Speaker, reserving the right to object—

Mr. EDMONDS. Does the gentleman object to the bill?

Mr. WALSH. I reserve the right to object. I want to get a little information. Is this gentleman still living, and has he been unable to work all these years?

Mr. MILLER. He is. He worked for five years as a watchman, at half pay, at Fort Worden. He is now about 69 or 70 years of age and entirely incapacitated, which incapacity resulted from the amputation of his right limb. It will be 17 years the 5th of next May since this accident occurred.

Mr. WALSH. I should like to ask the chairman of the committee how they arrived at the figure of \$939? When this bill came in several years ago it was for \$5,000. It was introduced in this Congress for \$2,500, and now has been further reduced to \$939.

Mr. EDMONDS. Mr. McKay's pay is \$939 a year.

Mr. WALSH. Is it the rule of the committee that it does not make any difference how badly anybody is hurt, whether he loses a finger or a hand or a foot or an arm or a leg or two legs; that the committee will report out relief based upon the amount of a man's annual pay?

Mr. MILLER. If you are going to make compensation, you have got to make it to all alike, as nearly as I can see.

Mr. WALSH. Irrespective of how badly a person may be injured?

Mr. EDMONDS. If a man is injured so that he is not able to carry on his occupation.

Mr. MANN of Illinois. As I understand it, the committee endeavors to follow the same rule in the cases that are not covered by the compensation act as the law provides in the cases which are covered by the compensation act.

Mr. EDMONDS. That is correct.

Mr. WALSH. That has not been done in this case. I think amputation of the leg below the knee—

Mr. MILLER. Would you not call that pretty nearly total disability? It has resulted in a total disability, this man being a house carpenter. It might not have become so had he been a telegraph operator, or something of that nature.

Mr. WALSH. No. I should not call that total disability.

Mr. MILLER. It would depend a good deal on the trade the man was following. It might be total disability for a house carpenter.

Mr. MANN of Illinois. If a man had a leg amputated, he would get a year's pay under the original compensation law.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I wish to ask if this accident had happened after the passage of the statute granting compensation to a Government employee, would the facts have brought the case within the provisions of that statute?

Mr. EDMONDS. I think so, without question.

Mr. BLANTON. Peter McKay was an employee of the Government in 1904 when this happened?

Mr. MILLER. He was a Government employee when this happened, and the engineer in charge recommends some additional compensation on account of the accident.

Mr. BLANTON. The chairman of the committee in construing cases of this kind during the last four years has intimated that it is unfair to one set of claimants under such a state of facts not to grant them relief when relief is granted to

others in the same kind of cases, and I understood he was going to propose a general law indicating the policy of Congress with respect to all claims of this class. What has been done in regard to the reporting of such a bill?

Mr. EDMONDS. I took the advice of a number of prominent attorneys in Philadelphia and New York in regard to that, and they advised me very strongly against it; advised that it was a great deal better for us to take care of these cases in this way than to lay the Government open to claims of persons who intentionally allowed themselves to be injured. They said they were having cases every day in the courts where actions were brought against municipalities on account of people who wanted to be injured to collect damages; that it was a regular profession carried on by some people.

Mr. BLANTON. I am speaking of the policy of making this law retroactive, to go back to take care of other cases that may have happened as far back as 1904.

Mr. EDMONDS. I do not think that is necessary. These cases are being cleaned up pretty well, and I do not think there is any necessity of dating the compensation law back to cover these cases.

Mr. BLANTON. I supposed the gentleman had some reason in his mind for not making the law retroactive.

Mr. EDMONDS. Surely. I would be opposed to making it retroactive.

Mr. BLANTON. And yet the gentleman has gone back on that policy and has reported out a bill for a claim going back to 1904.

Mr. EDMONDS. I am not going back on that policy at all. We are giving the man what the committee thought would be fair compensation under the laws as they were at that time. The gentleman knows very well that up to 1900 a man took the risk of his employment when he obtained employment. It is only in the later years that laws of this kind have come into existence. The result would be, if you were going back to 1870 with your compensation act you would be doing something for a man injured in 1870 that nobody dreamed of doing in 1870.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Peter McKay, or his legal representatives, the sum of \$2,500 as full compensation for permanent injuries received by the said McKay on the 5th day of May, 1904, at Fort Worden, in the State of Washington, by being struck with a large piece of log hurled by the explosion of an excessive blast of powder discharged without warning by employees of the United States Government engaged in clearing lands at said Fort Worden under the direction and control of the United States Government.

With the following committee amendment:

Page 1, line 6, strike out "\$2,500" and insert in lieu thereof "\$939."

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

McCLINTIC-MARSHALL CONSTRUCTION CO.

The next business on the Private Calendar was the bill (H. R. 6092) for the relief of the McClintic-Marshall Construction Co. The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. KELLY of Pennsylvania. I ask unanimous consent that this bill be passed over to-day.

Mr. BLANTON. Before that is done I ask the chairman of the committee to give me five minutes on this bill.

Mr. EDMONDS. The gentleman can reserve the right to object and take five minutes.

Mr. BLANTON. Mr. Speaker, this bill before the House, H. R. 6092, proposes to pay out of the Public Treasury the sum of \$714,007.39 to the McClintic-Marshall Construction Co. In favorably reporting this bill for passage the present Committee on Claims makes no mention of the minority report I filed against this claim in the Sixty-fifth Congress or the evidence I then elicited on cross-examination of the witnesses at the hearing requested by me in May, 1918. At that time this claim was covered by H. R. 4015, providing for the payment of \$1,000,000 to claimants. After my cross-examination of the claimant's manager, Mr. W. M. Sterrett, and of Judge B. F. Harrah, who investigated the whole matter in Panama, there was no further attempt to pass the bill in the Sixty-fifth Congress, as I then showed that there was absolutely no merit in the claim.



Mr. KELLY of Pennsylvania. The gentleman knows that Congress itself passed an act empowering Gen. Goethals to investigate any amounts due this construction company.

Mr. BLANTON. Yes; and the gentleman will remember that after we entered the war Gen. Goethals agreed for the Government to pay millions of dollars more for steel in the construction of our ships than one of our admirals showed was a reasonable and proper price for us to pay, and the admiral's judgment prevailed. The President, exercising his authority and duty, removed Gen. Goethals from the Shipping Board. At that time I decided that Gen. Goethals's judgment was not such that I could accept it in all cases.

Mr. KELLY of Pennsylvania. This investigation was made by three employees of the Government at the Panama Canal Zone.

Mr. BLANTON. Yes; and Gen. Goethals based his opinion on that report when he did not know a thing about it. If the gentleman will get the testimony and read it he will see how little Judge Harrah and Manager Sterrett knew about the whole transaction. They could not satisfactorily answer half of the questions I asked them. This case has been pending some time, and, Mr. Speaker, I object.

Mr. KELLY of Pennsylvania. The gentleman's objection was to my request that it be passed over to-day. I understand that that brings the bill before the House.

The SPEAKER. Is there objection to its immediate consideration?

Mr. BLANTON. I object. But, Mr. Speaker, my colleagues having granted me the indulgence, I desire to show some of the evidence I elicited on cross-examination as my reason for opposing the passage of this bill. I quote from the hearings of May 3, 1918:

The committee met at 10 o'clock a. m., Hon. HUBERT D. STEPHENS (Chairman) presiding.

The CHAIRMAN. We will now take up the McClintic-Marshall case.

Mr. BLANTON. Mr. Chairman, there are a few questions I would like to ask.

The CHAIRMAN. Whom do you desire to interrogate first?

Mr. BLANTON. Mr. Sterrett.

#### ADDITIONAL STATEMENT OF MR. W. M. STERRETT.

Mr. BLANTON. Your company is not claiming anything more than the terms and provisions of this contract which they signed and executed would warrant, are they?

Mr. STERRETT. You mean claiming any more than was claimed before the committee?

Mr. BLANTON. Let us get our minds away from the committee and get back to the contract. Your company executed a contract with the commission to do certain work on Panama locks, did they not?

Mr. STERRETT. Yes, sir.

Mr. BLANTON. Under that contract you were paid all that your contract provided for, were you not?

Mr. STERRETT. Yes, sir.

Mr. BLANTON. Under the terms of the contract; and how much more were you paid by the Government?

Mr. STERRETT. I do not think any more.

Mr. BLANTON. Do you not know that your company was paid approximately \$300,000 in cash more than the amount that the contract provided for by the Government?

Mr. STERRETT. No, sir.

Mr. BLANTON. Well, that is a fact. If you will investigate it, you will find that is a fact, as shown by the warrants which your company has received and which are now in the Treasurer's office. Then, you are asking for approximately \$1,000,000 here now, more or less. If what I have said is true, then you are asking for that much money more that you have now been paid under your contract. Is that the fact?

Mr. STERRETT. I can not answer your question. I do not think that is correct.

Mr. BLANTON. On investigation you will find it is correct.

Mr. STERRETT. What I might say is that the contract was on a weight-price basis. Certain weights were assumed at the start, and on the basis of those assumed weights a lump sum was worked out, but we were paid later on the actual weight.

Mr. BLANTON. Do you not know that the contract provides for a weight basis, and that any weight of parts over and above that basis is to be paid for at the same rate of compensation as provided for in the contract? Do you not know that to be a fact?

Mr. STERRETT. Yes; that is in the contract.

Mr. BLANTON. And do you not know that the contract further provides for a certain percentage of weight over the weight provided for in the contract for which there is to be no extra compensation—weight of the various parts? That is a fact, is it not?

Mr. STERRETT. There is a provision in the contract that we can not vary beyond a certain percentage.

Mr. BLANTON. And that up to a certain percentage there shall be no extra compensation?

Mr. STERRETT. That is true.

Mr. BLANTON. Is it not a fact that under the terms of that contract your company was to finish certain locks at a certain specified time? For instance, the Gatun Lock and the other two locks were to be finished at a certain specified time, were they not?

Mr. STERRETT. Yes, sir.

Mr. BLANTON. Is it not a fact that with respect to those locks and the time specified time was of the essence of that contract? You know what is meant by that legal term, do you not—essence of the contract?

Mr. STERRETT. Yes, sir.

Mr. BLANTON. Time is of the essence of the contract?

Mr. STERRETT. Yes.

Mr. BLANTON. Time was of the essence of that contract with respect to the completion of those certain locks; is not that the fact?

Mr. STERRETT. Yes, sir.

Mr. BLANTON. Do you not know it to be the fact with respect to every single lock that your company was behind to a considerable extent beyond the time specified in the contract? Was not that true in the case of every single one of them?

Mr. STERRETT. With the original contract that is correct.

Mr. BLANTON. So far as every contract is concerned, the original contract and every single supplemental contract, that is true, is it not?

Mr. STERRETT. No, sir.

Mr. BLANTON. That is a logical conclusion. Mr. Sterrett, is it not a fact that this Government, under its contract, acting through the Isthmian Commission, reserved the right to delay any single part or all of this work whenever it deemed it necessary?

Mr. STERRETT. I think there was a provision to that effect.

Mr. BLANTON. There was a specific provision with reference to that matter with only this reserving clause: That for whatever time the Government delayed any matter that time of delay was to be added to your time within which the work was to be completed?

Mr. STERRETT. Yes, sir.

Mr. BLANTON. Did not the contract provide that there should be no damages whatever claimed by your company for the delays on the part of the Government in making investigations?

Mr. STERRETT. I can not answer that.

Mr. BLANTON. Are you not sufficiently familiar with your contract to answer that question?

Mr. STERRETT. I do not remember.

Mr. BLANTON. Is it not a fact that this Government in this contract which you signed provided that it should have the right to make any change which its chief engineer deemed necessary at any time? Is it not a fact, and also that you should charge no extra compensation for any such change unless you at the very time that change was proposed, and before the work was done, should make a claim and have it understood and agreed upon by the Government at that time? Did not the contract provide for that?

Mr. STERRETT. That is correct.

Mr. BLANTON. And did not the contract further provide that unless you saw fit to exhaust your remedy provided for in the contract that you waived any claim for damages by reason of any change? Does not the contract specifically provide for that?

Mr. STERRETT. I do not know whether it says we waive it, but we are allowed no claim.

Mr. BLANTON. You make a claim here for certain material which you say is a better class of material than you were obligated to furnish. Is not that the fact?

Mr. STERRETT. No; there was no claim about the class of material. The claim was about the class of workmanship.

Mr. BLANTON. Are you sure that part of your claim does not embrace the charge that you furnished material of a better class than was provided for in the specifications?

Mr. STERRETT. No, sir.

Mr. BLANTON. But you do say that you furnished a better class of workmanship?

Mr. STERRETT. Yes, sir.

Mr. BLANTON. Do you not know it to be the fact, Mr. Sterrett, that this contract provides that this Government is to have everything about this transaction first class, of the very best quality possible?

Mr. STERRETT. They are to have first-class workmanship.

Mr. BLANTON. I do not want you to feel that I am antagonistic to you or your company, because whatever in this investigation the facts show the company is entitled to I expect to vote to the very last dollar and cent. I am merely trying to get the facts, and I want you to feel I am not antagonistic to you or your company, but am doing it merely from a sense of duty, and do not want to be in an attitude of trying to confuse you in any way.

Mr. STERRETT. Is it not a fact that all along through this work from month to month certain changes did occur that were required, and did not your company at that time make any claim for extra compensation and by supplemental agreements such compensation was agreed to then and there, and they received payment for them from time to time?

Mr. STERRETT. No, sir.

Mr. BLANTON. There was nothing like that occurred? There was never any agreement as to any change in that contract for which you claimed and did receive compensation?

Mr. STERRETT. I do not remember.

Mr. BLANTON. Then I want to ask you why it was the Government paid, and you received, \$300,000 more than the contract called for?

Mr. STERRETT. I explained that to you.

Mr. BLANTON. How?

Mr. STERRETT. On account of the weight running more than the original estimates.

Mr. BLANTON. Then you claim, if I understand you correctly, that all of this \$300,000 that your company received more than the contract price was for extra weight of material? Do you claim that?

Mr. STERRETT. That is my remembrance of it. Of course, this is a pretty big contract, and there may be some changes I do not remember about, but I do not remember of any change in the contract. I think that is correct.

Mr. BLANTON. If you will study it carefully, you will find that you were incorrect about that. I just merely state that for your benefit. Is it not a fact that on no item which is embraced in your claim under consideration at this time did you at the time claim extra compensation and have it thrashed out at that time? Is not that a fact?

Mr. STERRETT. No; I think that is not correct.

Mr. BLANTON. The contract provides that this company, where it claims extra compensation for any change made, or for any matter in connection with the construction of these locks, before it shall be entitled to any compensation other than that provided in the contract, must at the very time make a charge for extra compensation and damages to the chief engineer and have it thrashed out and agreed upon at that time; otherwise it shall be waived.

Mr. LITTLE. And that is in the contract?

Mr. BLANTON. And that is in the contract.

Mr. LITTLE. Do you claim that he concedes that he let that moment go by?

Mr. BLANTON. He says none of these items were claimed at that time and thrashed out.

Mr. LITTLE. Was there not in their opening statement some explanation of why that was done; and if so, I would like to have him explain that?

Mr. BLANTON. This is a very voluminous contract, but I would like to read certain portions of it into the record, to be taken in connection with this interrogation. This is the main contract that was signed and executed. It provides:

"It is further understood, covenanted, and agreed that the commission may delay the commencement of the erection of any or all of the gates and fixed parts, for the reason that it has not completed the masonry or the fixed ironwork, or for any other reason it may deem sufficient to justify such action; and if at any time the commission shall deem it necessary so to do it may suspend the work of erection on any or all of the gates and fixed parts covered by this contract, in which case the contractor shall, without expense to the commission, properly cover over, secure, and protect such of the work as may be liable to sustain injury from the weather or otherwise. The commission may also direct the order in which the different gates and fixed parts in a given lock shall be erected, and it may require that any gate and the fixed parts necessary for same in any twin flight of locks shall be completely erected on or before a date fixed herein for the erection of any other gate in such twin flight of locks, and in such case the provisions of this contract relative to liquidated damages for delay shall subsist, take effect, and be enforceable in the same manner and to the same extent as if the date thus fixed was originally specified herein."

In that connection, is it not a fact that your company agreed that for every day's delay over and above the time specified in the contract on any of these locks they should respond to this Government in liquidated damages, so much for each day's delay?

Mr. STERRETT. Yes, sir.

Mr. BLANTON. It goes on:

"Provided, That in all such cases the contractor shall be granted an extension of time within which to complete the erection of any or all gates so delayed in erection, equal to the period of any delay caused by any such delays in the commencement of erection, suspension of work, or change of dates, but he shall not be entitled to any payment as additional compensation or as damages on account of any such suspension of work, delay in commencement of erection, or change in time or order of erection of gates."

The whole compensation was to be an extension of time in which he was to complete the work.

"ART. III. It is further understood, covenanted, and agreed that all materials and workmanship—"

"Both materials and workmanship, mind you—"

"used and applied under this contract, in details and finish, shall be first class and of the very best quality."

I want you to catch that, members of the committee, that everything, material, workmanship, everything shall be first class and of the very best quality.

Mr. MERRITT. What does it say right after that?

Mr. BLANTON. I will read all of it. It says:

"And that all materials, both in the form of raw materials and at every stage of manufacture, and all workmanship shall from the beginning to the end of the work be subject to the inspection of the chief engineer of the commission, or his authorized representative, and that the commission's inspectors shall have free access at all times to any works where any raw materials or manufactured parts covered by this contract are located for the purpose of examining such raw materials or manufactured parts, and for the purpose of witnessing any and all processes of manufacture, and they shall have free access at all times to any and all parts of the erecting plant and all other parts of the work on the Isthmus."

There is a whole lot about inspection that you do not care about.

"It is further understood, covenanted, and agreed that the commission's inspectors may at any time reject any or all work or material not in accordance with this contract, and the right to reject any and all defective work or material shall continue until final inspection and acceptance and payment for material and work herein provided for, regardless of any prior inspection, payment, or act of the commission, and such defective or unsatisfactory material or work shall be promptly removed, remedied, or replaced by the contractor without expense to the commission."

Then there is a penalty for the contractor refusing to do that.

"ART. IV. The contractor shall prepare and submit to the commission in duplicate all necessary working drawings—"

and so on. Then it says:

"The approval of such drawings shall be taken as certifying only to the general agreement of the working drawings with the contract plans as to arrangement and sizes of the principal members, but shall not relieve the contractor from full responsibility for the correctness of his shop drawings, for errors in details, such as rivet spacing, clearances, packing of plates, etc., which might interfere with either the strength or appearance of the finished work or with accurate and speedy erection."

"The contractor shall be solely responsible"—

and so on. There are two other clauses:

"The commission, however, reserves the right to make any minor changes it may see fit to make in the original contract drawings, the working plans, and specifications for material and workmanship prior to the final acceptance of any part of the finished material: *Provided, however, That for any extra expense incurred by the contractor for material furnished or ordered, drawings made, or work executed prior to the time of receiving notice of such change, the contractor shall be reimbursed at reasonable rates to be fixed, in any case, by agreement between the contracting parties.*"

Notice particularly this clause:

"Any claim for such changes shall be made by the contractor at the time of the change or no allowance will be made or money paid on account of the same. The contractor shall also furnish the commission—"

and so on. That is brought forth in an additional article in this contract specifically:

"ART. X. The contractor agrees to make no claim for compensation for any work, labor, or materials over and above that specified or called for in the contract, specifications, and plans, unless same shall have been agreed upon in writing by the parties to the contract before such work shall have been commenced or the labor or materials furnished."

Mr. BLANTON. I want to give you an opportunity to get yourself right in the record, because I do not want to take advantage of you in your absence when we take the matter up. You stated in answer to my question that all of this \$300,000 extra compensation was for extra weight in parts, and that at no time did you make extra claims, and that they have been adjudicated and agreed upon and you have received compensation for them. I want you to get right on that. I have here before me copies of supplemental agreements certified to Mr. J. L. Baity, who is Auditor for the War Department, which are probably familiar to you, and some of them are known as supplemental contract, dated June 15, 1911. This contract was dated June 21, 1910?

Mr. STERRETT. Yes, sir.

Mr. BLANTON. Here is a supplemental contract of June 15, 1911, a year after the original contract. Here is another of December 16, 1911, which is nearly a year and a half after the original contract. Here is a supplemental agreement of February 7, 1912; here is another of June 13, 1912; here is another of January 14, 1913; here is another one of May 20, 1913, nearly three years after the original contract. Do you still maintain before this committee that you did not raise claims and have supplemental agreements and receive certain extra compensation under those? Do you still maintain that before the committee, after I call your attention to these?

Mr. STERRETT. The best I can say is that I have answered as far as I know. I think Judge Harrah can answer that.

Mr. BLANTON. Judge Harrah is supposed to represent the Government, and I am asking you as one of the interested parties whose claim we have up before us for consideration. You are asking us to take a million dollars of the people's money in time of war out of the Treasury and pay you on the contract, and I am interrogating you about that claim.

Mr. STERRETT. All I can tell you with reference to those supplemental agreements is what I have answered.

Mr. BLANTON. I do not believe under the terms of this contract that this company is entitled to one single dollar. I think that when they were paid the \$300,000 they were paid more than the contract price, and they were paid every cent that was due them.

The full contract compensation was \$5,374,474.82, the compensation provided for in the contract, the amount certified to by J. L. Baity, Auditor for the War Department, who says:

"In compliance with your indorsement of the 23d instant, on letter of Hon. THOMAS L. BLANTON, M. C., of the Committee on Claims, dated April 22, 1918, received at 2 p. m., the 24th instant, and which is returned herewith, requesting statement of total amount paid the McClintic-Marshall Construction Co. by the Isthmian Canal Commission under contract dated June 21, 1910 (W. O. 23444), for constructing lock gates for the Panama Canal, and supplemental contracts thereto, and copies of the contracts and circular, I have the honor to report that the total amount paid the contracting company under said contracts as shown by vouchered payments in this office was \$5,753,725.63, from which may be deducted for one shipment lost, which was refunded and later replaced, \$77,538.66, leaving net amount paid on this contract of \$5,676,186.97."

Now, taking the contract consideration of \$5,374,474.82 from the net amount paid on this contract of \$5,676,186.97, there is a balance of \$301,712.15 over and above the contract consideration that was paid.

Mr. Speaker, I have fought this bill ever since I have been in Congress, and thus far I have been able to keep it from passing. Bills of this character should not be considered on Private Calendar day, when most of the Members are away except those who have private bills to pass.

Let me call the attention of my colleagues to two other bills which in years past have been favorably reported by committees which I have prevented from passing by filing minority reports against them and staying on the floor here and objecting to their consideration. One is that of the Sevier estate for \$66,736,387.60. At the first meeting of the Claims Committee in 1919 I prevailed upon the gentleman from Kansas [Mr. LITTLE] not to favorably report this bill, which then was H. R. 12018, but to give me further time to investigate it, which he reluctantly granted. On January 31, 1919, I filed my adverse report with the committee, and on February 7, 1919, every member of the Claims Committee present unanimously adopted my adverse report, which is as follows:

#### CLAIM OF THE ESTATE OF JOHN SEVIER AGAINST THE UNITED STATES.

Mr. BLANTON, from the Committee on Claims, submitted the following adverse report:

The Committee on Claims, to whom was referred the bill (H. R. 12018) for the relief of the estate of John Sevier, having considered the same, report thereon with a recommendation that it do not pass.

This bill—H. R. 12018—if allowed, would pay to Emmetta Humphreys, as administratrix of the estates of John Sevier, sr., and John Sevier, jr., the enormous sum of \$66,736,387.60, being principal sums aggregating \$8,447,644, together with 6 per cent interest thereon for over 115 years.

There are really three claims embraced in the above amount, the first and principal one of which is for the value of 174,474 acres of land originally within the boundaries of the State of North Carolina, surveyed and granted to John Sevier, sr., in the years 1794 and 1795, under an act of the General Assembly of the State of North Carolina in 1783.

In 1785 the United States entered into the treaty of Hopewell with the Cherokee Indians by which certain described lands then in North Carolina were set apart to them for hunting grounds.

In February, 1790, the State of North Carolina ceded her western territory, embracing the lands allotted to the Cherokee Indians, to the United States with certain conditions expressed.

In 1791 the United States entered into the treaty of Holston, by which the boundary between the citizens of the United States and the Cherokee Indians was established.

The said surveys and grants of land to John Sevier were included within the boundaries of the said territory theretofore set apart to the Cherokee Indians, and were not made until 1794 and 1795, subsequent to the said treaties of Hopewell and Holston, and subsequent to the cession to the United States by North Carolina of these lands out of which the State of Tennessee was afterwards created.

By the act of February 18, 1841, the State of Tennessee was authorized to settle claims against said lands, but required that all land warrants should be satisfied, either by location of the land within one year or by their presentation for payment at a price of not less than 12½ cents per acre within two years, or the holders of such warrants should be forever barred of all further claim or right.

When this case was submitted to the Court of Claims for a determination of the facts, in the opinion of the court filed February 28, 1910, it found:

"There is no evidence to show whether the claimant's decedents, or their heirs or legal representatives, complied with the terms of the above act; presumably they did not."



And, further, the court found:

"Nor is there any evidence to show that John Sevier, sr., and John Sevier, jr., did not receive the benefit of said lands or the value thereof, as provided by the said act of February 18, 1841, nor does it appear that the United States ever received any benefit therefrom."

Claim No. 2 involved 50,000 acres of land deeded to John Sevier in 1797 by one Cox, attempting to act for the "Tennessee Company," out of lands granted by the State of Georgia to the "Tennessee Company," reciting a consideration paid by Sevier of \$5,000, which, with other lands, afterwards became the "Mississippi Territory," out of which the States of Alabama and Mississippi were created.

On April 24, 1802, the State of Georgia ceded to the United States the said "Mississippi Territory," Georgia to be paid \$1,250,000 out of the first sales, and, if a balance remained, reserving 5,000,000 acres to satisfy and compensate claims.

On March 3, 1803, Congress passed an act requiring all such land claimants to perform certain acts before March 1, 1804, on penalty of becoming forever barred for nonperformance, and further providing that all claims must be exhibited to the Secretary of State and recorded by January 1, 1804.

In passing upon this claim the Court of Claims, on February 28, 1910, held:

"Whether the claimant's decedent ever complied with the provisions of said act does not appear."

On March 31, 1914, Congress passed an act providing for commissioners to pass upon all claims based upon said "Tennessee Co." lands, to whom John Sevier submitted his deeds from Cox and executed releases to the United States, and said commissioners ruled against said claims, holding that Sevier had failed to show proof of any authority in said Cox to act for said company, and on February 28, 1910, the Court of Claims found:

"That it did not appear that the United States had received any benefit whatever from said land."

The third claim involved 5,000 acres of land granted August 14, 1786, to John Sevier by the General Assembly of the State of Georgia for acting as a commissioner appointed by said assembly, which land was afterwards located and patented to the heirs of John Sevier in 20 patents on June 12, 1828. Said heirs failed to take possession of same, but permitted individuals to hold possession of same adversely until they have lost their title by limitation. The United States is not to blame for such laches. The Court of Claims found:

"It is not shown that the United States at any time received any benefit therefrom."

John Sevier was the first governor of Tennessee, was a man of good judgment and strong political influence, and it is to be presumed that he received the benefit of the warrants involved in claims 1 and 2. When his estate was inventoried even the most insignificant articles of minutest value were itemized, yet no mention was made of such warrants.

There is no merit in this claim; hence it is disallowed.

THOMAS L. BLANTON.

The other claim, Mr. Speaker, is that of Marian B. Patterson for \$20,963, favorably reported several times to the House. That you may see how unmeritorious this claim is, I want my colleagues to carefully consider my minority report which, on June 28, 1918, I filed against it. A careful inspection will see that there is no warrant for taking this money out of the people's Treasury.

Mr. BLANTON, from the Committee on Claims, submitted the following minority report:

"Although all of my colleagues on the committee have voted to favorably report House bill 6486 and pay to Marian B. Patterson \$20,963 out of the Public Treasury, I regret that my duty as I see it under my oath of office will not permit me to do otherwise than to protest their action, and at the proper time I shall move to strike from the bill its enacting clause. I sincerely believe that if any Member will give this case the same careful study and investigation which I have given to it he will inevitably reach the conclusion I have formed, that the Government is not due one single dollar on this claim, and that it would be a great injustice to the people of the United States to take their money out of the Treasury and put it into Mrs. Patterson's pocket.

"I submit that no evidence whatever of probative force has been filed in this case showing that Gen. Patterson suffered any loss. He was entitled to a salary of \$5,000 per annum. He served about nine years, to wit, from sometime in May, 1897, until about July, 1906. During that time he had in his custody funds of the United States from fees collected to the amount of \$62,048.46, and the statement of the Government Auditor from the Treasury Department, which I have just procured and will incorporate hereafter, shows that out of said Government funds Gen. Patterson retained for his salary the sum of \$42,423.22, and the record further shows that in the beginning of his service, while receiving instruction and in transit, he received for salary the further sum of \$1,928.34, and that in addition thereto he drew a draft on the Government for \$1,115.70 to cover salary while under instruction prior to January 1, 1898, making a grand total of \$45,467.26 received by him as salary for the little over nine years' service. In addition to the above the auditor shows that Gen. Patterson further retained \$6,956.80 as compensation due him on agency fees collected; hence altogether he received from the Government as compensation for a little over nine years' service the sum of \$52,424.06. And the auditor shows that during this time in Calcutta the purchasing value of the rupee, at its commercial exchange value, upon which basis Gen. Patterson collected the fees and retained his salary, was 100 cents on the dollar, the same as if he had retained his pay in gold dollars. The record further shows that during said time the Government allowed Gen. Patterson the sum of \$21,644.76 for contingent expenses, clerk hire, and relief of seamen.

"To get the matter clearly before my colleagues, showing concisely the result of my investigations, and warrant for the above, I now incorporate herein a letter of inquiry sent by me to the Secretary of the Treasury, of date June 15, 1918, the reply of the Secretary signed by Hon. L. S. Rowe, Acting Secretary of the Treasury, dated June 24, 1918; the report of Auditor E. D. Hearne, of date of June 20, 1918; and the communication of Hon. C. S. Hamlin, Acting Secretary of the Treasury, addressed to Hon. EDWARD W. POW, then chairman of the Committee on Claims, of date May 18, 1914:

"MY LETTER TO HON. WM. G. M'ADOO, SECRETARY OF THE TREASURY.

"JUNE 15, 1918.

"HON. WILLIAM G. M'ADOO,

"Secretary of the Treasury, Washington, D. C.

"MY DEAR MR. SECRETARY: H. R. 6486, now pending before the Committee on Claims, of which I am a member, is a bill proposing to pay to Marian B. Patterson \$20,963, losses in salary and allowances alleged to have been sustained by her late husband, Gen. R. F. Patterson, from January 1, 1898, to May 28, 1906, while consul general at Calcutta, India.

"I have spent much time during the past three months investigating this claim, and have now reached the conclusion that there is no merit in it.

"On February 17, 1912, Hon. Franklin MacVeagh, in a letter, recommended that Mrs. Patterson be paid \$20,000, stating:

"I believe that reimbursement, to the extent of the amount carried in the pending bill, to his widow, Mrs. Patterson, would be a most deserved, proper, and appropriate recognition of the services of the late Gen. Patterson."

"He did not state that an examination had been made into the merits of the claim, and that the value of the number of rupees retained by Gen. Patterson and allowed by the department was less than the compensation to which he was entitled, but merely stated that paying \$20,000 would be an appropriate recognition of services.

"On August 6, 1912, one John B. Kinnear testified before the committee that he was formerly a clerk in the Treasury Department, during which time he worked in the same room with and sat by the side of a gentleman who made the Patterson settlement, and he, naturally, knew about it. He stated that he felt that the Government ought to refund to Mrs. Patterson \$21,644.01, which was made up of various little items charged to Mr. Patterson, being the difference between what the Treasury Department considered the representative value in exchange and the bullion value of the rupee currency in India; that Mr. Patterson had been in the habit of collecting the \$2.50 invoice fee in rupees at their bullion value of about 20 cents; but that within a few months after he took charge, in 1898, he was ordered to accept the rupees at their commercial exchange value of about 30 cents, and that he therefore incurred a loss of about 10 cents on a rupee. Whereupon, the following colloquy occurred between witness and Congressman Francis:

"MR. KINNEAR. They claim that he collected this money from these men in India and that he collected \$3.63 instead of \$2.50 in each case, and the difference between the \$2.50 and \$3.63 during this period amounted to \$21,644.01 and it was suspended, to know why it should not be disallowed. Now, under these circumstances, it does not belong to the Government.

"MR. FRANCIS. Was it disallowed?

"MR. KINNEAR. It was suspended to know why it should not be disallowed.

"MR. FRANCIS. But it was never disallowed.

"MR. KINNEAR. So far as I know it was not."

"At the beginning of the testimony, the chairman stated:

"We have before us Mr. John B. Kinnear, and he is to be heard on H. R. 10676, the subject matter also appearing in H. R. 15141."

"Now, H. R. 10676 was to pay Mrs. Patterson \$21,644.01, while H. R. 15141 was to pay her \$20,963. How little Mr. Kinnear actually knew about the matter is shown in the following colloquy between him and the committeemen:

"MR. GREEN. Why do you say that the amount of this smaller bill is not included in the larger one, H. R. 15141, which apparently applies to all of the case?

"MR. KINNEAR. I do not know that I said that, but I heard some one say it around the table.

"MR. MOTT. I think I said that Mrs. Patterson told me they were separate claims.

"MR. KINNEAR. As to the larger claim, I would not attempt to explain it unless I had thoroughly examined it and knew what I was talking about.

"MR. MAGUIRE. Do you think that you can well adjust one claim without adjusting the other claim?

"MR. KINNEAR. I do not know much about this [meaning the larger claim for \$20,963].

"MR. GREEN. Will you make a computation of the amount due under the larger bill, on the basis of 20 cents for the mint value and 32.4 cents for the commercial value?

"MR. KINNEAR. Well, I can do so, but it will not work out the figures you have just shown me."

"And thereafter Mr. Kinnear did file with the committee an unauthenticated, arbitrary, theoretical table computation, showing that the difference in computing the compensation of Gen. Patterson in rupees of the mint value and of the commercial exchange value would amount to \$20,963. Any fifth-grade schoolboy could have made a similar computation.

"On the letter of Mr. MacVeagh and this Kinnear table the Committee on Claims has voted to report favorably this claim, my vote being the only opposing one.

"There is not one scintilla of evidence before the committee showing that Gen. Patterson did not receive his full pay during his term of service.

"I desire to call your attention to the report signed by Mr. F. H. Davis, auditor, W. W. S., of date December 10, 1912, addressed to Hon. Sherman Allen, Assistant Secretary of the Treasury, in which he states, 'In very few instances are Mr. Kinnear's figures correct,' and he winds up by stating that 'nothing is due from the United States.' He gives the following table of Gen. Patterson's receipts and disbursements, to wit:

"RECEIPTS

Amount of transcript (fees collected).....	\$62,048.46
Drafts for salary while under instruction and in transit prior to Jan. 1, 1898.....	1,115.70
Compensation from agency fees.....	6,956.80
Compensation and disbursements from July 26, 1897, to Dec. 31, 1897.....	3,248.50
	<hr/> 73,369.46

## "DISBURSEMENTS."

Salary, July 26, 1897, to Mar. 18, 1906	\$42,423.22
Salary while receiving instruction and in transit	1,928.34
Compensation from agency fees	6,956.80
Contingent expenses, clerk hire, and relief of seamen	21,644.78
Money paid seamen from item of "Wages and money paid seamen"	416.34
	73,369.46

"And Mr. Davis then well says:

"The consul general collects the fees, is their custodian, makes disbursements from them, and is paymaster of them until he deposits the surplus in the Treasury. In the light of all the facts before it, of the laws governing the matter, of the decisions of the courts and of the Comptroller of the Treasury, this office could not have settled these accounts upon any other basis than the rate furnished by the consul general. Every item under this head [referring to Kinnear's statement] is incorrect.

"The contention in favor of the computations in this column stands upon no firmer basis than the contention of one who, having been paid 100 silver dollars on December 4, should insist that he had received only \$49.70 in United States currency, the bullion value of a silver dollar being \$0.497 on that day."

"Now, for my use in opposing the passage of this bill, I would like for you to please advise me if I am not correct in concluding from the above:

"1. That during his tenure of office Gen. Patterson, out of funds in his possession, retained \$42,423.22?

"2. If it isn't a fact that he drew a draft on the Government for \$1,115.70, covering his salary while under instruction and in transit?

"3. If the above sums retained by him were not retained solely to cover his salary during his tenure and if he did not retain sufficient rupees, at their commercial exchange value, to aggregate the full 100 cents on the dollar purchasing value of United States currency in that country?

"4. If it is not a fact that, in addition to the above amount of salary retained, Gen. Patterson did not also retain \$6,956.80 additional fees allowed him from agency fees?

"5. If it isn't a fact that during said time a dollar paid in rupees at its commercial exchange value had just as much purchasing power in Calcutta as an American gold dollar?

"6. If it isn't a fact that had the Government not changed the rule for collection, as it did in 1898, but permitted Gen. Patterson to continue to collect invoice fees in rupees at their mint value, on every \$2.50 invoice Gen. Patterson would have made \$1.13 clear profit?

"I will thank you to give me the above information at your earliest convenience.

"Very truly, yours,

"THOMAS L. BLANTON."

"LETTER FROM ACTING SECRETARY OF THE TREASURY.

"TREASURY DEPARTMENT,

"OFFICE OF THE SECRETARY,

"Washington, June 24, 1918.

"Hon. THOMAS L. BLANTON,

"House of Representatives.

"MY DEAR CONGRESSMAN: In reply to your letter of the 15th instant, making certain inquiries in connection with H. R. 6486, of the present Congress, which proposes to pay to Marian B. Patterson the sum of \$20,963 for losses in salary and allowances alleged to have been sustained by her late husband, Gen. R. F. Patterson, from January 1, 1898, to May 28, 1906, while consul general at Calcutta, India, I am inclosing herewith copy of a report thereon made by the Auditor for the State and Other Departments, in whose office the accounts rendered to the Treasury Department by Gen. Patterson as consul general at Calcutta were examined and audited.

"I hand you herewith also a copy of the letter dated May 8, 1914, to the Hon. EDWARD W. POU, chairman of the Committee on Claims, from the Hon. C. S. Hamlin, Acting Secretary of the Treasury, in relation to this matter.

"Very truly, yours,

"L. S. ROWE, Acting Secretary."

"REPORT OF AUDITOR E. D. HEARNE.

"TREASURY DEPARTMENT,

"OFFICE OF THE AUDITOR FOR THE STATE

"AND OTHER DEPARTMENTS,

"Washington, D. C., June 20, 1918.

"Hon. W. G. MCADOO,

"Secretary of the Treasury.

"SIR: I have the honor to acknowledge receipt of letter of Hon. THOMAS L. BLANTON, House of Representatives, of the 15th instant, in relation to H. R. 6486, now pending before the Committee on Claims of the House, which proposes to pay Marian B. Patterson \$20,963, losses in salary and allowances alleged to have been sustained by her late husband, Gen. R. F. Patterson, from January 1, 1898, to May 28, 1906, while consul general at Calcutta, India, and I quote therefrom as follows:

"Now, for my use in opposing the passage of this bill, I would like for you to please advise me if I am not correct in concluding from the above:

"1. That during his tenure of office Gen. Patterson, out of funds in his possession, retained \$42,423.22?

"2. If it isn't a fact that he drew a draft on the Government for \$1,115.70 covering his salary while under instruction and in transit?

"3. If the above sums retained by him were not retained solely to cover his salary during his tenure, and if he did not retain sufficient rupees, at their commercial exchange value, to aggregate the full 100 cents on the dollar purchasing value of United States currency in that country?

"4. If it is not a fact that, in addition to the above amount of salary retained, Gen. Patterson did not also retain \$6,956.80 additional fees allowed him from agency fees?

"5. If it isn't a fact that during said time a dollar paid in rupees at its commercial exchange value had just as much purchasing power in Calcutta as an American gold dollar?

"6. If it isn't a fact that had the Government not changed the rule for collection as it did in 1898, but permitted Gen. Patterson to continue to collect invoice fees in rupees at their mint value on every \$2.50 invoice, Gen. Patterson would have made \$1.13 clear profit?"

"I have caused Mr. Patterson's accounts, rendered as consul general at Calcutta, to the Treasury Department and settled in this office, to be carefully reexamined for the purpose of furnishing a reply to the

questions propounded by Mr. BLANTON, and they are answered as follows:

"1. It is true that during his tenure of office Mr. Patterson retained \$42,423.22 out of funds of the United States in his possession and collected by him as fees of his office.

"2. It is true that Mr. Patterson drew a draft upon the Treasury for \$1,115.70 covering his salary while under instruction and in transit from May 6, 1897, to July 26, 1897, when he entered upon the duties of his office at Calcutta, and that said draft was paid.

"3. It is true that the above sums were retained by Mr. Patterson solely to cover his salary during his tenure, and that he retained sufficient rupees to aggregate a full 100 cents for each dollar retained under the current rate of exchange between United States currency and the rupee of India.

"4. It is true that, in addition to the above amount of salary retained, Gen. Patterson also retained \$6,956.80 additional fees allowed him from agency fees.

"5. I preface my reply to query No. 5 by citations from findings of the Supreme Court of the United States and of the Circuit Court of Appeals:

"The Circuit Court of Appeals, first circuit, in case of United States v. Beebe & Sons (122 Fed. Rep., 763 and 764), finds that "the bullion value of the rupee at that time (August, 1898), in accordance with the tabulation of the Director of the Mint provided by law, was 19 cents and 9 mills, while its market value at Calcutta and its value then and there as currency was 32 cents 1 mill and one-tenth of a mill, being an appreciation of over 60 per cent. \* \* \* Since January, 1898 \* \* \* It has been practically stable in mercantile transactions at 32 cents 1 mill and one-tenth of a mill. In 1899, by legislation, the British sovereign was made legal tender in India at a ratio of 15 rupees to the sovereign, thus permanently fixing the currency value of the rupee at substantially the figure which it reached in 1898."

"In the case of United States v. Whitridge (197 U. S., 137) the then Assistant Attorney General, the Hon. James C. McReynolds (now associate justice of the United States Supreme Court), stated in his argument before the Supreme Court that "since September 15, 1899, the monetary standard of India has been gold, the standard coin the British sovereign (worth \$4.8665) and the rupee, a token coin, current as one-fiftieth part thereof—\$0.324." The court, through Mr. Justice Holmes, sustained the contention of the Assistant Attorney General and stated, in part, as follows (p. 145):

"Before the date of this export (June 18, 1900), gold was adopted as the standard and the ratio of the rupee fixed at 15 to 1, or 1 shilling and 4 pence, in 1899."

"With each of his quarterly accounts, from January 1, 1898, to January 1, 1900, Mr. Patterson furnished a joint certificate from himself and the Chartered Bank of India, Australia, and China, that the current rate of exchange between the rupee and United States money was 32 cents.

"Replying to question 5: Fifteen rupees in Calcutta, 20 shillings in London, and \$4.8665 in New York mean the same thing, the English pound sterling, and any one of them, at that time, would buy as much in its own sphere of circulation as a pound sterling exchanged into terms of its own currency. The purchasing power of money in one country is not measured by the purchasing power of money in another. The money value or money price of a given commodity can not be uniform in India, Great Britain, and America. But the purchasing power of 3.125 rupees would have been, during Mr. Patterson's tenure of office, probably greater than that of an American gold dollar, because the latter, not being current in India, would have been taken at its bullion value.

"6. The estimated profit of \$1.13 upon each \$2.50 invoice was based upon the bullion value (\$0.211) and the customhouse valuation (\$0.306) of the rupee at the time of the Whitney importations at Boston, on July 1, 1897. The bullion value dropped to about 20 cents, and the currency valuation was soon thereafter stabilized at 32 cents and over. Assuming 20 cents and 32 cents to represent the bullion and currency value, respectively, of the rupee for the term of Mr. Patterson's office, the profit upon each \$2.50 invoice, the proceeds of which were retained for salary or disbursement, would have been something over \$1.50 instead of \$1.13. In cases where he would have made remittances of surplus fees the increase would have been accounted for as 'gain by exchange.' But, as his collections after April 15, 1898, were made at the legal rate, there was no occasion after that date for such accounting.

"Respectfully,

E. D. HEARNE, Auditor."

"LETTER OF SECRETARY TO CHAIRMAN POU.

"TREASURY DEPARTMENT,

"Washington, May 8, 1914.

"Hon. EDWARD W. POU,

"Chairman Committee on Claims,

"House of Representatives.

"SIR: Replying to your request of April 21 for an expression of opinion as to the merit of the claim of Mrs. Marian B. Patterson, as set forth in H. R. 296, Private Calendar No. 70, I have the honor to transmit herewith the report of the Auditor for the State and Other Departments upon said bill.

"The auditor states that the claim, as set forth in the accompanying report No. 315, is a simple proposition to pay Mrs. Patterson twenty-odd thousand dollars, being the difference between the bullion value and the legal-tender value of all rupees disbursed by the late Consul General Patterson at his post at Calcutta, for salaries, clerk hire, rent, etc., and reports adversely upon it.

"Several bills covering the same claim have been before Congress in the last few years, but no bill of particulars has ever been furnished until now. The auditor's report shows that the payment of the claim upon the terms of the bill of particulars would be granting a gratuity, and upon these findings the bill can not be recommended favorably by the department.

"On pages 12-15 of the auditor's report, however, there is set forth an item of \$2,164.01, which was a recharge made of excessive fees collected between January 1 and April 15, 1898. The circular, directing consular officers to observe the requirements of section 1746, Revised Statutes, as to the collection of consular fees in the coin of the United States or in its representative value in foreign exchange, was issued by the Department of State on March 8, 1898, and was received by Mr. Patterson April 13, and put into operation by him April 15, 1898. The provisions of this circular were put into effect by the auditing offices in the settlement of Mr. Patterson's accounts from January 1 to April 15, 1898, in charging back to him the \$2,164.01 of excessive fees collected during that period. The Treasury Department instructions contained in the quarterly bulletins of the Mint Bureau, section 1746, Revised



Statutes, and section 1723, Revised Statutes, made it obligatory upon the auditor to do this and there was no hardship peculiar to Mr. Patterson in this policy, which was followed in the settlement of the accounts of all other consular officers who collected fees in India.

"The circular of March 8, 1898, abolished the practice of valuing the rupee, both for collections and payments, at the bullion rate certified to by the Bureau of the Mint, which practice had been permitted in the Consular Service several years prior to the issuing of the circular. While it was, under the provisions of the statutes and regulations, obligatory upon the accounting officers to make all settlements taken up after the circular was issued according to its provisions, the application of the requirements of this circular to the settlement of the accounts of consuls in India in which the transactions occurred before they received the notice, although in accordance with law, was a surprise to them, and was probably the cause of some financial loss to them. This period of retroactive effect of the circular was from January 1 to April 15, 1898, in the case of consuls in India, and in Mr. Patterson's case involved a recharge, legal but retroactive, of \$2,164.01. Whatever of equity may lie in favor of relieving all of the consuls of the recharges against them of the difference between the bullion and legal-tender rates of the rupee used in their disbursements is for the determination of Congress. The amount involved in Mrs. Patterson's case is \$2,164.01, and if Congress should decide to grant such relief the further question arises whether such action might create a liability of the United States to the American Surety Co., which paid \$5,883.92 to close up Mr. Patterson's accounts on final settlement.

"The department would approve the payment of this \$2,164.01 to Mrs. Patterson, provided that this grant to Mrs. Patterson can be made without involving the United States in liability to the American Surety Co.

"I would also point out that it is extremely likely that claims for relief from recharges, made under like circumstances against other consuls in India, may be made, which would seem to call, on equitable considerations, for like treatment.

"I may add that Secretary MacVeagh recommended the payment of this item of \$2,164.01 to Mrs. Patterson. Secretary MacVeagh also recommended the favorable consideration of the bill for \$20,000, but the department at this time is unable to concur in this recommendation.

"Respectfully,

"C. S. HAMLIN,  
"Acting Secretary."

"I must again protest against the loose way our Committee on Claims has of approving private claims against the United States Government without a careful hearing of evidence and an investigation of the Government's side of the controversy. In other words, there should be at least a quasi-judicial ascertainment. Our committee did not call a single witness before it. It did not call on the Secretary of the Treasury for any statement whatever as to the account of Gen. Patterson. It gave less than an hour to the investigation before the committee of even the past record of the case before it voted to make a favorable report. In justice to my colleagues, however, I will state that they based their action upon the recommendation made by Mr. MacVeagh, wherein on February 17, 1912, without an investigation of the merits of the case, he said that he thought that the payment of \$20,000 to Mrs. Patterson 'would be a most deserved, proper, and appropriate recognition of the services of the late Gen. Patterson.' And not realizing the lack of any probative force or value as evidence, my colleagues did also consider the arbitrary table specially prepared by Mr. Kinnear, which is based upon a false hypothesis and has no application whatever to the real facts of this case.

"Prior to April 15, 1898, the consul general at Calcutta had been in the habit of collecting the \$2.50 invoice fee in rupees at their mint or bullion value of about 20 cents, when in fact the commercial exchange value of such rupee was actually worth 32 cents. On January 1, 1898, our Government ordered that in the future the consul general should accept the rupee at its commercial exchange value. This order was brought about through evidence filed with the Government by merchants in Calcutta showing that the \$2.50 invoice fee collected in rupees at their bullion value actually amounted to \$3.63, for the commercial exchange value of the rupee at 32 cents was equal to that value in gold there in Calcutta. This order was not received by Gen. Patterson until April, 1898, and in his letter of April 15, 1898, to the United States auditor he shows that he had received the order and was complying with its terms, and again in his letter of May 10, 1898, he confirms such statement, and he did comply with such order for years thereafter, until his service ended about July, 1906.

"The reason the Government charged Gen. Patterson with the \$2,164.01 in 1898 was because Gen. Patterson had collected from each merchant paying the invoice fee from January 1, 1898, to April 15, 1898, not \$2.50 in commercial exchange value but \$3.63, and the United States Government was responsible to said merchants for the return of said \$1.13 excess on each invoice, and if it had not charged Gen. Patterson with it he would have had a net profit of \$1.13 on each invoice, which, during said time between January 1, 1898, and April 15, 1898, amounted to said sum of \$2,164.01. As very aptly said by Acting Secretary Hamlin in his communication of May 8, 1914, if we should see fit to pay this amount because of the fact that until April 15, 1898, Gen. Patterson had acted under the old custom, that if we paid it to anybody we ought to pay it to the American Surety Co., who, as surety for Gen. Patterson, paid to the Government a shortage of \$5,883.92 after he had been recalled here.

"Moreover, during his service when a previous shortage of \$8,626.06 arose in Gen. Patterson's account, it was settled, as shown by the communication from Hon. R. O. Bailey, Assistant Secretary of the Treasury, to Mrs. Patterson, of date August 23, 1912, by a credit of \$652.04 allowed Gen. Patterson by the auditor, by the check of Mr. Wanamaker for \$5,481.62 (he being a friend of Gen. Patterson), and by a deposit of \$2,492.40 made by Gen. Patterson himself.

"To further indicate how loosely we have acted, if any amount were due Gen. Patterson he is now dead, and such amount would lawfully go to all of his legal heirs and not merely to his surviving wife; yet the committee have ignored his other heirs and are attempting to pay over \$20,000 to his wife alone.

"I respectfully submit that under the facts of this case Mrs. Patterson is entitled to nothing. I desire to call attention to the very able presentation of this matter in the RECORD made by Hon. JAMES R. MANN in 1914. I hope that when the time comes my colleagues will join me in a motion I shall make to strike the enacting clause from this bill.

"JUNE 28, 1918.

"THOMAS L. BLANTON."

Mr. Speaker, after carefully considering the above facts will any colleague here take the position that there is merit in the above bill? It but further emphasizes the wisdom of not considering such bills in the way this House has of passing them, but they should be taken up in the regular way and carefully gone into by the Members here.

I object to the McClintic-Marshall Construction Co. bill being considered.

LEAVE TO ADDRESS THE HOUSE.

Mr. MANN of Illinois. Mr. Speaker, I ask unanimous consent that on Wednesday next, after the approval of the Journal and the disposition of business on the Speaker's table, the gentleman from Missouri, ex-Speaker CLARK, may be recognized for one hour.

The SPEAKER. The gentleman from Illinois asks unanimous consent that on Wednesday next, after the approval of the Journal and the disposition of business on the Speaker's table, the gentleman from Missouri, ex-Speaker CLARK, be recognized for one hour. Is there objection?

There was no objection.

ALBERT T. HUSO.

The next business on the Private Calendar was the bill (H. R. 12333) for the relief of Albert T. Huso.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Albert T. Huso, of Joice, Worth County, Iowa, \$759.41, in full compensation for his claim for loss by burglary March 12, 1913, and October 2, 1913, from his post office at Joice, Iowa.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, the chairman of the committee remembers the rules and regulations of the Post Office Department, which are reasonable ones, requiring the postmasters to place their valuables in a safe with a combination lock, such as would require force to open it. Does this case come within that regulation.

Mr. EDMONDS. In the March 12, 1913, case the post office was entered by burglars and they worked the combination of the safe.

Mr. BLANTON. The safe was locked?

Mr. EDMONDS. Yes. On October 12 the outer door was locked and the inner door was not locked. The regulation requires the inner door to be locked.

Mr. BLANTON. How did they get the combination?

Mr. EDMONDS. They blew out the outer door, so that the inner door would have been no protection.

The SPEAKER. Is there objection?

There was no objection.

The bill was read for amendment.

Mr. EDMONDS. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amend by striking out the figures in line 6 and substituting "\$759.39."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

Mr. MANN of Illinois. Mr. Speaker, I move to amend, in line 8, by striking out the word "his" and inserting the word "the."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAUGEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LOW PRICE OF FARM PRODUCTS.

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent to proceed out of order for five minutes.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. ANDERSON. Mr. Speaker, I desire to present a petition signed by 6,711 farmers in the Northwest relating to emergency legislation dealing with the present low-priced condition in the farming industries. I ask permission to have the petition read from the Clerk's desk.

Mr. BLANTON. Mr. Speaker, I would like to ask whether the gentleman intends to have printed that whole document in the RECORD.

Mr. ANDERSON. I am not asking to have it printed in the RECORD at all.

The Clerk read as follows:

MINNEAPOLIS, MINN., December 17, 1920.

To the honorable the Congress of the United States of America.

GENTLEMEN: The undersigned bona fide farmers and persons intimately dependent upon agriculture in the Northwest hereby respectfully call to your attention the distressing conditions which are afflicting and menacing that industry of this section.

In possession of what should be the very best security, we are deprived by these conditions of the ability to realize upon them except upon a basis which involves the possibility of contagious calamity. We attribute these conditions largely to the disarrangement—

First, of transportation.

Second, of the marketing of grain, cattle, and other farm products. Both these factors were originally created by the Government and with our cooperation and approval in the emergency of war.

At this time of readjustment the special consideration granted by the Government in reestablishing other interests upon a prewar basis has been denied to the farmer.

In this situation we, as citizens, feel amply justified in our urgent demand for sympathetic attention and efficient activity on the part of your honorable body.

Many plans have been suggested for credit arrangements for our relief. Which of these is best suited must be left to your judgment.

We therefore state the purposes of this petition to be:

1. That your honorable body provide ways and means whereby credit may be accorded proportionate to present need.

2. But particularly that this action be taken at the present session, to the end that returns from the 1920 crop shall be adequate to pay the cost of producing the same, leaving a margin sufficient for living and seed.

We desire still further to emphasize the imperative necessity of prompt action, even upon a temporary basis, in view of the present situation, which, in addition to its factors of emergency and hardship, involves still more onerous and uneconomic conditions if the current crop is not soon fully marketed at compensatory figures.

To the above petition herewith presented by The Minneapolis Daily News are appended the names of 6,711 Northwestern farmers.

#### PERMISSION TO EXTEND REMARKS IN THE RECORD.

Mr. WINSLOW. Mr. Speaker, I would like to get unanimous consent to be allowed to proceed for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts that he be allowed to proceed for two minutes? [After a pause.] The Chair hears none.

Mr. WINSLOW. Mr. Speaker, on the 13th of December Hon. JOHN J. ESCH, chairman of the Committee on Interstate and Foreign Commerce of the House, delivered an address in New York on the transportation bill recently passed. It is altogether the finest and most concise statement and analysis of that bill and its purposes that ever was prepared, and I ask unanimous consent that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

WALSTON H. BROWN.

The next business in order on the Private Calendar was the bill (S. 495) for the relief of Walston H. Brown, sole surviving partner of Brown, Hart & Co., and of the Philadelphia & Reading Coal & Iron Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

HENRY A. V. POST.

The next business in order on the Private Calendar was the bill (S. 2300) for the relief of the estate of Henry A. V. Post.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

JOHN E. MOORE CO.

The next business in order on the Private Calendar was the bill (H. R. 11572) for the relief of the John E. Moore Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, may we have it reported?

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of the John E. Moore Co., a corporation organized and existing under the laws of the State of New York, and doing business in the city and State of New York, owner of the tug *E. M. Millard*, against the United States for damages alleged to have been caused by collision between the said tug and the United States Navy scow No. 58, in Wallabout Basin, in the navy yard, Brooklyn, N. Y., on the 8th day of August, 1919, may be sued for by the said John E. Moore Co. in the District Court of the United States for the Eastern District of New York, sitting as a court of admiralty and acting under the rules governing said court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the John E. Moore Co., or against the John E. Moore Co. in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the

United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, was there any negligence reported by the Secretary of the Navy concerning this claimant?

Mr. EDMONDS. This was caused by a collision between a boat that ran into a wreck that was supposed to be properly guarded. The Navy Department thought it was properly guarded. The Secretary says he believes the John E. Moore Co. is entitled to have this claim judicially determined.

Mr. BLANTON. I notice the bill permits the court to render judgment in favor of the United States Government against John E. Moore.

Mr. EDMONDS. Either way.

Mr. BLANTON. That could not be done unless there were proper pleadings in the case, unless the United States Government reconvenes in such an action claiming certain damages.

Mr. EDMONDS. In an admiralty case that would be settled without any question either for one party or the other party. The Secretary thinks they are entitled to a final determination in this case.

Mr. BLANTON. I notice the Secretary of the Navy uses this language:

That all reasonable precautions were taken by the navy-yard authorities to warn approaching vessels of the presence of the sunken scow No. 58.

Mr. EDMONDS. But he says, further, that he believes that the John E. Moore Co. is entitled to have the claim judicially determined. In other words, this wreck was lying off there with nobody on it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### WILLIAM GORDON CORPORATION.

The next business in order on the Private Calendar was the bill (H. R. 12281) for the relief of the William Gordon Corporation.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, will the chairman of the committee give us some information concerning this bill.

Mr. EDMONDS. This bill originates out of the building of the new Interior Department Building. The William Gordon Co. had a contract for the heating appliances. They tried to fulfill the contract and incidentally used a large amount of fuel in connection with the contract in keeping the building warm, but the building delays caused a loss to the Gordon Co. of \$10,000. The department stated they thought \$8,000 was sufficient to settle it. I have a letter from the Gordon Co. agreeing to take \$8,000 to settle the claim.

Mr. BLANTON. Does the Secretary recommend the payment of \$8,000.

Mr. EDMONDS. Yes; I can read it:

The department feels that, inasmuch as the contractors were in no way at fault in causing the delay, they have a just claim and should receive consideration.

Mr. BEGG. Will the gentleman yield?

Mr. EDMONDS. I will.

Mr. BEGG. How does it happen that John H. Parker, another contractor, got paid for this extension of time and this corporation was not paid?

Mr. EDMONDS. I do not know.

Mr. BEGG. It is in your report.

Mr. EDMONDS. I do not know what the claim was for particularly. It may be some contingency taken care of in the contract. In the Gordon case it was for heating appliances and there was no contingency to look forward to.

Mr. BEGG. As I understand the report this extra \$8,000 is additional heat, \$4,000—

Mr. EDMONDS. Partially, and partially loss of time and labor. The claim was \$10,000 and it was cut to \$8,000 and they are willing to accept that.

The SPEAKER. Is there objection?

Mr. MANN of Illinois. Reserving the right to object, I have not been able to find yet when the department recommended the payment of the \$8,000.

The gentleman who drew this bill and the committee, I suppose, undertook to cover this by saying that this company should receive \$8,000, or so much thereof as may be deemed



necessary to fully compensate. Deemed necessary by whom? The Secretary of the Treasury is not the one to determine whether it is necessary where we make an appropriation. Who is to determine whether we are giving this money to these people upon the basis that they make no profit or whether we include in what we give the profits that they may ask for? Who is to determine that? There is no provision in the bill, and the committee and the department have asked for the direction of Congress on that subject. Getting no direction from Congress on the subject, the department would have no jurisdiction, I assume, to determine the matter—the Department of the Interior or the Department of the Treasury.

Mr. BEGG. Will the gentleman yield?

Mr. MANN of Illinois. Certainly.

Mr. BEGG. Does the gentleman know who is responsible for the delay that occasioned this added cost?

Mr. MANN of Illinois. My understanding is—and I will not say it is correct—as is done in all cases where the Government has anything to do with contracts, after the plans and specifications are agreed upon and the contract is made they change them.

Mr. EDMONDS. This contractor depended entirely on the ordinary completion of the work in a reasonable time, and he was delayed without any desire on his part to be delayed. In answer to the gentleman from Illinois [Mr. MANN], the Secretary of the Treasury erected the building.

Mr. MANN of Illinois. The Secretary was directed by the Supervising Architect's Office, but that part of the duties of the Secretary of the Treasury is not at all related to the duty to pay out money on an appropriation made by the Congress.

Mr. EDMONDS. He would be the man to decide how much ought to be paid.

Mr. MANN of Illinois. Here is his letter in which he asks the Congress to decide. I was under the impression, by the way, that the Capitol heating and power plant was the one that furnished the heat for the building.

Mr. BEGG. Will the gentleman yield for another question? Has the committee any itemized statement showing the losses?

Mr. EDMONDS. There was an itemized statement, but I do not seem to have it here. If the gentleman wants to let the bill go over, it will be all right, and I will take it up again.

Mr. BEGG. I will agree to that, so far as I am concerned.

Mr. EDMONDS. I ask that the bill go over without prejudice, Mr. Speaker.

The SPEAKER pro tempore (Mr. SNELL). Without objection, it is so ordered.

#### RELIEF OF CERTAIN LANDOWNERS, NEW CASTLE COUNTY, DEL.

The next bill on the Private Calendar was the bill (H. R. 11834) for the relief of certain landowners of New Castle County, in the State of Delaware.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. EDMONDS. Mr. Speaker, I am reliably informed that that claim has been settled by the War Department, and I ask that it be passed over until I am informed in regard to it.

The SPEAKER pro tempore. Without objection, it is so ordered.

#### ANNIE M. LEPLEY.

The next business on the Private Calendar was the bill (H. R. 1321) for the relief of Mrs. Annie M. Lepley, as postmaster at Plymouth, Amador County, Calif., for money, postal money orders, and postage stamps stolen.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, to allow this bill would be a departure from the rule that has been heretofore followed. And, besides, rules and regulations prescribe that certain things must be done by all postmasters if they expect remuneration from the Government when they claim that valuables have been stolen from them. Regulations require that the safe must be kept locked, the combination such that it would require force usually to take things out of the safe.

Mr. RAKER. Will the gentleman yield?

Mr. BLANTON. In just a moment. I have objected to every character of a bill of this kind heretofore. I am informed that this is a poor widow. In Christmas time especially that allegation goes a long ways. I am not going to object to the bill, but every time a man postmaster comes in here wanting a return of his valuables he must come within the rule.

The SPEAKER pro tempore. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, is this the case in which a part of the claim was allowed by the Post Office Department?

Mr. RAKER. It was in part allowed. There are two parts; one of them is for money orders and one of them is for stamps. If the gentleman will permit, I would like to make just one statement. House bill 6522 is identical with this bill, passed by this House and passed by the Senate. The House 10 minutes ago passed a bill for the relief of Albert T. Huse, which is No. 148 on the calendar, and the facts are as near to the facts in this case as it is possible for two separate lots of facts to be, one occurring in one part of the United States and the other in another. The report of the Postmaster General recites the same statutes and the same law, and makes identically the same comment in both cases. If one had prepared a set of facts at different towns, it would have been almost impossible to make them as similar as those in this case.

Mr. WALSH. This is a similar case to the Huse case?

Mr. RAKER. Yes, sir; as near as I or any other man could make, and the same report, which I hold in my hand, is made in both cases, and quotes the same statutes and makes the same comment, and the House has disposed of the other bill.

Mr. WALSH. I withdraw my objection.

Mr. MANN of Illinois. Reserving the right to object, I do so for the purpose of inquiring whether it is the policy now of the Committee on Claims to repeal that regulation of the department, which has the force of law, requiring the postmasters to lock the inner lock of a safe?

Mr. EDMONDS. It is not our desire to repeal that law at all; but we have had numerous cases in the House where we thought relief was worthy and have passed bills of this kind.

Mr. MANN of Illinois. There is nothing exceptional in this bill and in the bill we passed a while ago. It is just like any case where the postmaster, knowing the regulations but thinking it is too much trouble every day to lock the inner lock and throw the combination off the vault, does not do it. A majority of people who keep safes, probably without much money in them, do not take the trouble to throw the combination. Well, they take their own chances.

The Post Office Department has a very proper regulation. When the postmaster has a vault in his office he must throw the combination and he must lock the inner lock. It takes a little trouble to do it, and a little trouble to open the vault in the morning. The department has notified these people of this rule. They all know it. They gamble on a sure thing. It used to be that they were compelled to stand the loss themselves. Now, if they have sufficient influence or energy to tag around after a Member of Congress, the Government pays the bill.

Mr. EDMONDS. I think the gentleman's statement is absolutely correct. In the eight years that I have been on the committee we have brought out numerous bills similar to this, where the people neglected to lock the inner lock. In most cases, however, there was forcible entry, and we considered that even had the safe been locked it would have made no difference.

Mr. RAKER. In this case the affidavits on file with the department show that the burglars broke a padlock on the building and entered forcibly.

Mr. MANN of Illinois. Oh, well, what is the use? I used to run a post office myself. My office was burglarized, and I made up the loss. I did not ask the Government to do it. Burglars sometimes break open the front door of the building without getting any further. They sometimes break open the outer door of a safe without getting any further. They sometimes get inside, and then have to hurry away. It is true that robbing a Government post office is pretty nearly as safe as walking on a Washington street.

Mr. RAKER. These burglars got away and left their burglar's tools lying on the sidewalk and in the store.

Mr. MANN of Illinois. The probability is that if the inner door of the safe had been locked, they would have left without opening it. They had to hustle away. If they had had to work a minute or two longer to get in, the chances are that the burglar would not have been successful.

Mr. BLANTON. Will the gentleman yield?

Mr. MANN of Illinois. If I have the floor.

Mr. BLANTON. The gentleman from Illinois spoke about claimants tagging around after Members of Congress about their claims. There are two ladies, one who for years has had a claim involving \$66,736,387.60 and the other a claim involving \$20,963, and because I happened to file minority reports against those claims when I was on the Claims Committee, and because I have fought them from time to time, those two ladies have come into my office on numerous occasions, and, although they were politely requested to please retire and not bother me about their claims, I have had them to insult me because I would not agree to support them. Is there not some way that Members of Congress can protect themselves against lady claimants?

SEVERAL MEMBERS. No! [Laughter.]

Mr. BLANTON. Or must they just promise to vote for them every time they come into the office?

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit Mrs. Annie M. Lepley, as postmaster at Plymouth, Amador County, Calif., on her account as postmaster of said place, in the sum of \$2,055.83, the same being the amount of certain moneys, money orders, and postage stamps taken and stolen by burglars from the post office at Plymouth, Amador County, Calif., at nighttime, at about 10 minutes past 1 o'clock antemeridian, on March 13, 1915, by unknown persons, and that the said Mrs. Annie M. Lepley be, and she is hereby, relieved and released from payment to the Treasury of the United States of the said sum of \$2,055.83, and every part thereof, as such postmaster, and that her account be credited as postmaster with said amount of \$2,055.83 by reason of said loss caused by such burglary.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

By unanimous consent the title was amended to read: "A bill for the relief of Mrs. Annie M. Lepley."

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN ANDERSON.

The next business on the Private Calendar was the bill (H. R. 9675) to reimburse John Anderson, former postmaster at Sandborn, Knox County, Ind., for stamps and funds stolen from the post office.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, I want to ask the chairman if this case comes within the regulations prescribed by the Post Office Department?

Mr. EDMONDS. No; this safe was only locked with the day lock instead of the night lock.

Mr. BLANTON. I object.

Mr. EDMONDS. However, the safe was blown open, so I think it would have made no difference.

Mr. BLANTON. In that case I withdraw the objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Anderson, former postmaster at Sandborn, Knox County, Ind., the sum of \$358.90, the same being the amount of moneys and stamps stolen from the post office at Sandborn, Knox County, Ind., on the night of February 18, 1907, by unknown persons.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent the title was amended so as to read: "A bill for the relief of John Anderson."

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

ARTHUR FROST.

The next business on the Private Calendar was the bill (H. R. 11154) for the relief of Arthur Frost.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Reserving the right to object, I understand this is a case where the claimant was not an employee of the United States Government?

Mr. EDMONDS. That is correct.

Mr. BLANTON. He was shot in the back, causing physical suffering. The Committee on Claims, although they have no law or rule for it, think in the exercise of their discretion in Christmas time they ought to pay him so much?

Mr. EDMONDS. No; we simply pay the man for the loss of time and medical attendance.

Mr. BLANTON. The report says you pay him for physical suffering.

Mr. EDMONDS. Partially, for loss of time and medical attention.

Mr. BLANTON. It is a departure from the policy heretofore pursued by the committee.

Mr. EDMONDS. The claimant has not asked the committee for anything more than what he has actually lost.

Mr. BLANTON. In what way is the United States Government responsible?

Mr. EDMONDS. In no way at all, any more than in any other case of this sort.

Mr. BLANTON. If a man goes down on the Potomac duck shooting and some fellow shoots him in the back, ought he to come up and ask the Government of the United States to pay him for it?

Mr. EDMONDS. This man was shot by a soldier who was chasing deserters. He fired his gun at the deserters and hit this man.

Mr. BLANTON. He was a member of the military police?

Mr. EDMONDS. He was an enlisted man coming under the War Department. He was chasing these deserters, and in doing so he accidentally shot this man. He was pursuing his work, and this bill is only to reimburse him for the actual loss which he has suffered. He is not asking for a year's pay or anything of that kind, but only for his actual loss.

The SPEAKER pro tempore (Mr. SNELL). Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Arthur Frost, the sum of \$960 for damages suffered by reason of being negligently shot and seriously injured by a regularly enlisted soldier of the United States while in pursuit of a deserter and in the legal discharge of his duty as a military policeman.

With the following committee amendment:

Page 1, line 6, after the figures "\$960," insert the words "in full."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. BLANTON was granted leave to revise and extend his remarks.

LENA SCHMIEDER.

The next business on the Private Calendar was the bill (H. R. 8560) for the relief of Lena Schmieder.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Lena Schmieder, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000, in compensation for the loss of her husband, Joseph Schmieder, who came to his death on November 13, 1895, while in the employ of the United States Government and as a result of such employment, and for the loss of her second husband, Frank Schmieder, who came to his death on July 5, 1907, while in the employ of the United States Government and as a result of such employment.

With the following committee amendments:

In line 6 strike out "\$2,000" and insert "\$1,080" in lieu thereof.

In line 9 strike out the comma after the word "employment" and insert a period; and strike out the remainder of line 9 and all of lines 10, 11, and 12.

The SPEAKER pro tempore. Is there objection?

Mr. WALSH. Reserving the right to object, how did the first husband lose his life?

Mr. RHODES. The first husband's death came about in this way: He was in the employ of the Federal Government doing construction work on the Mississippi River. He was a foreman and his death resulted from the caving in of a bank and earth falling upon him. I call the gentleman's attention to the first communication in the report of the committee, which fixes the amount provided for at an amount equal to what this deceased husband would have earned during the period of 12 months. The Chief of Engineers also states that the case was thoroughly investigated and that there was no question as to the liability of the Government under the act of May 30, 1908. There is no question but the Government ought to have done then what it is doing now.

Mr. MANN of Illinois. Subsequent to what date?

Mr. RHODES. May 30, 1908, when the law was passed making the Government liable.

Mr. MANN of Illinois. This was in 1895.

Mr. RHODES. That is exactly what I have said. It is only to do in this case what the Government has been doing since May 30, 1908.

Mr. MANN of Illinois. Does the gentleman think that injuries in a case that occurred 50 years ago ought to be paid for by the Government?

Mr. RHODES. To answer that question, I would be justified in saying that if the facts in a given case were exactly as the facts are in this case, I think it should be paid. The element of time ought not to control.

Mr. MANN of Illinois. Then we ought to go back and offer to pay one year's compensation to the descendants of every person who has been killed while in the employ of the Government from the time of the Constitution if time is not to be considered. Would the gentleman think that we ought to do that?



Mr. RHODES. I should say that where there are equities in a case, payment should be made.

Mr. MANN of Illinois. The only equity in this case is that the man lost his life.

Mr. RHODES. In the employment of the Government.

Mr. MANN of Illinois. In the employment of the Government; and now the gentleman says that the element of time ought not to enter into the question. I beg to inquire of the gentleman whether he believes that we ought to provide for every case where a person in the employ of the Government has lost his life?

Mr. RHODES. Certainly not in every case, but in this case, and all cases like this.

Mr. MANN of Illinois. All cases are like this; there is no special element in this case. The man lost his life and probably through his own negligence. He knew of the danger; he is not the only man upon whom a bank of earth has fallen. If we compensated all the Members of the House that banks fell on last November we would pay out a considerable sum of money. [Laughter.]

EMMA H. RIDLEY.

The next business in order on the Private Calendar was the bill (H. R. 5744) for the relief of Emma H. Ridley.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, is this the case where a physician stationed in the Canal Zone during an outbreak of some violent sickness became infected and died?

Mr. EDMONDS. Yes.

Mr. WALSH. And it is proposed to pay his widow a year's salary?

Mr. EDMONDS. Yes.

Mr. WALSH. Is there any provision of existing law which would permit that payment?

Mr. EDMONDS. It probably would come under the Canal Zone employees' compensation act, I presume, if it happened to-day.

Mr. WALSH. He took sick and died down there?

Mr. EDMONDS. In this case this man stayed in his position and contracted the disease which he was there trying to stamp out. We paid some compensation to a man, as a matter of fact, two years' compensation, to a man in Montana, who died from contracting spotted fever. He caught it there in an endeavor to stamp out the fever.

Mr. WALSH. That case in Montana was a little different from this case, was it not?

Mr. EDMONDS. Virtually the same thing. In one case a man went to endeavor to stamp out a disease and the other man stayed in his position.

Mr. WALSH. The disease was pneumonia.

Mr. EDMONDS. Virulent pneumonia.

Mr. WALSH. Not any more so than in the city of Washington?

Mr. EDMONDS. I do not know whether it was or not, but I think it is somewhat different.

Mr. WALSH. I do not think we ought to follow this up as in the case of the spotted fever, and I object.

The SPEAKER. Objection is heard.

J. P. LITTELL.

The next business in order on the Private Calendar was the bill (H. R. 5859) for the relief of J. P. Littell.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. May we have it reported?

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. P. Littell, of Estherville, Iowa, the sum of \$200 to compensate him for money expended in apprehending Thomas James and Dell Hubbard, convicted of passing counterfeit money.

Mr. BLANTON. Mr. Speaker, reserving the right to object, why should this \$200 be paid, I would like to ask the chairman.

Mr. EDMONDS. The reason why it should be paid is that Mr. Littell claims that Deputy Marshall Beach had promised him a reward if he would find these counterfeiters, and he did so.

Mr. BLANTON. And upon the allegation that somebody promised somebody something we have got to pay out the money? Because some employee of the Government assumes responsibility and authority and enters into an agreement, do we have to carry it out whether it is proper or not—

Mr. DICKINSON of Iowa. If the gentleman will permit, I will say it is the policy of the department for suppressing counterfeiting to pay rewards in cases of this kind.

Mr. BLANTON. There must be some authorized governmental authority exercised in offering the reward. We have appropriated thousands of dollars every year since I have been here to pay rewards. But there are certain officials only who have the authority to offer them.

Mr. MANN of Illinois. The department has the authority to pay these rewards; why did not it pay them?

Mr. BLANTON. Because this case did not come within the rule. I object.

The SPEAKER. Objection is heard.

T. L. LOVE.

The next business in order on the Private Calendar was the bill (S. 358) carrying into effect the findings of the Court of Claims in the matter of the claim of T. L. Love, surviving partner of Robert Love & Son.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN of Illinois. Reserving the right to object—I do object.

The SPEAKER. Objection is heard.

LEO BALSAM.

The next business in order on the Private Calendar was the bill (H. R. 908) for the relief of Leo Balsam.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from New York why it is necessary on this occasion for Congress to pay if it is a just claim?

Mr. SNELL. The only reason is that they have the approval right down the line, but the Comptroller of the Treasury said there were certain technicalities that had not been complied with. Of course, the shoes burned in the gymnasium, and of course the man repairing them could not deliver them to the Government.

Mr. BLANTON. What evidence did the committee have, if the gentleman knows—and I presume he does, because he offered the bill—showing that this shoe repairer repaired these nine hundred and odd pairs of shoes before they were burned?

Mr. SNELL. We have the statement of the contractor himself and the general statement of the man in charge of that work, saying that he believed they had been repaired and that the man had always done the work he agreed upon before.

Mr. BLANTON. And that was the only evidence?

Mr. SNELL. That is the only evidence that you can get.

Mr. BLANTON. Did the contractor himself swear he had repaired them?

Mr. SNELL. Yes, sir.

Mr. BLANTON. That affidavit is in the files?

Mr. SNELL. Yes.

Mr. MANN of Illinois. Were these shoes delivered to the Government?

Mr. SNELL. The shoes were burned in the gymnasium in Plattsburg.

Mr. MANN of Illinois. What gymnasium was that?

Mr. SNELL. The Government gymnasium.

Mr. MANN of Illinois. How did they get there?

Mr. SNELL. That was a place at the post where they were being repaired—at the training camp.

Mr. MANN of Illinois. They were not delivered to the Government in any way after they were repaired?

Mr. SNELL. No. They were burned right there in the gymnasium on November 23. It is proved clear down through the line.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The bill was read as follows:

A bill (H. R. 908) for the relief of Leo Balsam.

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Leo Balsam, of Plattsburg, N. Y., the sum of \$1,282.50, in full compensation for repair at contract price of 950 pairs of shoes destroyed by fire when the gymnasium at Plattsburg Barracks, New York, was destroyed on November 23, 1917, said payment being due the said Leo Balsam in the opinion of the Acting Judge Advocate General of the Army.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

## FIRST STATE BANK, OF KERRVILLE, TEX.

The next business on the Private Calendar was the bill (H. R. 7050) for the relief of the First State Bank, of Kerrville, Kerr County, State of Texas, and to refund to the bank moneys which were deducted from its securities following the loss of war savings stamps or certificates mailed by the said Kerrville bank to the Federal reserve bank at Dallas, Tex.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Reserving the right to object, I would like to ask my colleague what evidence was there presented establishing the fact that this Kerrville bank did mail this amount of stamps?

Mr. HUDSPETH. The gentleman will find in the report the affidavit of the president and vice president of the bank, one of them saying that the First State Bank did deliver to said postmaster an envelope containing 117 war savings certificate stamps and one stating that he saw the said A. B. Burton count the stamps to the number of 117; that they were there and that they were counted. And there is the affidavit of the assistant postmaster that he put them in the bank.

Mr. BLANTON. And they were lost in the mail during transit?

Mr. HUDSPETH. Yes, sir.

Mr. BLANTON. And they have never been heard of?

Mr. HUDSPETH. They never have been heard of.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$494.91, which upon an investigation and reasonable proof to the Secretary of the Treasury, shall be paid by the Secretary of the Treasury to the First State Bank of Kerrville, County of Kerr, State of Texas, this being the amount of damages sustained by said bank growing out of the loss of war savings stamps or certificates which were mailed by the said Kerrville bank to the Federal reserve bank at Dallas, Tex., and which were lost in transit or in some other manner not known to claimant, but which amount, \$494.91, upon loss of the same, was deducted from the Kerrville bank's certificate of indebtedness by the Federal reserve bank at Dallas.

Upon the 25th day of September, A. D. 1918, claimant became the fiscal agent of the Federal reserve bank of Dallas, Tex., and subagent under it of the Treasury Department of the United States Government to handle war savings stamps or certificates, and that in pursuance of the agreement by which the Kerrville bank became such agent there was placed in its hands by the reserve bank war savings stamps of a maturity value of \$1,000. That thereafter, and until the 1st day of January, 1919, claimant had sold of the war savings stamps the sum of \$415 maturity value, leaving \$585 maturity value of the said stamps on hand, and that on the 3d day of January, 1919, claimant mailed to the said Federal reserve bank at Dallas, Tex., as per its instructions and in accordance with its instructions as issued in its circular No. W L 86, the remaining war savings stamps, being 117 in number, of a present value of \$494.91. That the said stamps were placed in an envelope and sealed in the presence of witnesses, and on the same date a letter was written to the said reserve bank asking that the said certificates be insured and that stamps of the issue of 1919 be sent it. That the said package was sent under a franked sticker sent claimant for such purposes and was not registered, as no instructions had been given to claimant to do so. That the package in the sealed envelope was delivered to the local postmaster, who was made acquainted with its contents. That on the 4th day of June, A. D. 1919, the said Federal reserve bank claiming that it had never received the stamps when the certificate of indebtedness was redeemed by the said claimant, the sum of \$494.91 was charged up to the claimant and taken out of the proceeds of the said collateral, and as claimed by the said reserve bank, the said funds were placed in the Treasury of the United States.

Mr. EDMONDS. Mr. Speaker, I move to strike out all after line 7, on page 2.

The SPEAKER pro tempore. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. EDMONDS: On page 2, line 7, strike out all of the remainder of the section.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. EDMONDS. Mr. Speaker, I would like to amend the title by striking out all after the word "Texas," on line 2 of the title.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment to the title offered by Mr. EDMONDS: Strike out all after the word "Texas" in line 2 of the title.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill as amended was agreed to was laid on the table.

## LEONIDAS SAWYER.

The next business on the Private Calendar was the bill (H. R. 5189) for the relief of Leonidas Sawyer.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WALSH. Reserving the right to object, how did the committee arrive at the sum of \$3,500 in this case?

Mr. EVANS of Montana. Mr. Speaker, the gentleman from Maine [Mr. WHITE] was going to make an explanation of this bill, but as he is not present I ask that it be passed over. Would the gentleman from Massachusetts object to doing that?

Mr. WALSH. I was going to object to the bill, but I have no objection to the bill being passed over.

Mr. EDMONDS. I ask that the bill be passed over, Mr. Speaker.

The SPEAKER pro tempore. Without objection, it is so ordered.

## THE CORNWELL CO.

The next business on the Private Calendar was the bill (H. R. 9337) for the relief of the Cornwell Co.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN of Illinois. Mr. Speaker, I ask for the reading of the bill.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to the Cornwell Co., Saginaw, Mich., successor to the Saginaw Beef Co., the sum of \$8,000, which sum is hereby appropriated, being the amount of money collected from the Saginaw Beef Co. by fine imposed by District Judge Sessions at Grand Rapids, Mich., on August 28, 1914.

Such fine was imposed following an indictment returned at Grand Rapids for the same offense as an indictment returned at Chicago against Swift & Co., who were convicted thereon and a fine of \$60,000 imposed, but in which case the judgment of the lower court was reversed by the circuit court of appeals for the seventh circuit in December, 1918.

The SPEAKER pro tempore. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, will the gentleman make a little statement about this bill in explanation of what it is sought to do?

Mr. EDMONDS. In this case it is sought to return a fine imposed on the Saginaw Beef Co. to the Cornwell Co., who was the successor of the Saginaw Beef Co., for the violation of the act to regulate commerce. It appears in the testimony taken before the committee that in certain cases these fines were returned, and in other cases they were not. This happened to be one of the cases where they were not returned.

Mr. WALSH. The gentleman thinks that is a sufficient reason to legislate to return the fine?

Mr. EDMONDS. There does not seem to be any objection on the part of the department in regard to it. They seem to feel it was justifiable to return it.

Mr. WALSH. Why do they not return it?

Mr. EDMONDS. I presume because the money has been turned into the Treasury.

Mr. WALSH. How many other cases are there in which fines have not been returned?

Mr. EDMONDS. I doubt if there would be any more. I do not know of any more cases being presented to Congress.

The report says that the fine was imposed upon a plea of guilty to each of eight counts of an indictment which charged the defendant with accepting and receiving concessions in violation of section 1 of the Elkins Act.

Subsequent to the imposition of the fine the affairs of the Saginaw Beef Co. were wound up and a newly organized corporation, the Cornwell Co., assumed its business and succeeded to the use of its property. Most of the former officers of the Saginaw Beef Co. became officers of the Cornwell Co. Information as to the transfer of assets or property to the Cornwell Co. is not at hand.

The evidence which resulted in the indictment of the Saginaw Beef Co. was gathered by special agents of this bureau and was submitted to Hon. E. J. Bowman, then United States attorney at Grand Rapids, Mich. The same facts were submitted to Hon. George W. Wilkerson, then United States attorney at Chicago, Ill., and upon being presented to the grand jury resulted in the indictment of Swift & Co., in the northern district of Illinois, for the same offense as was alleged in the indictment against the Saginaw Beef Co.

The fine of \$60,000 was imposed upon Swift & Co. As stated in the report, in May, 1916, Swift & Co. were convicted and in November, 1916, a fine of \$60,000 was imposed upon Swift & Co. by Judge Landis. In December, 1918, the circuit



court of appeals, seventh circuit (255 Fed., 291), reversed the judgment against Swift & Co.

These two cases were similar.

Mr. WALSH. That is all right. One went up on an appeal, and Swift & Co. won out.

Mr. EDMONDS. Yes; and the two cases were similar.

Mr. WALSH. There were different facts in each case. It was not all one offense. I do not know why we should step in here and take the place of the circuit court of appeals and say that because Swift & Co. won when they appealed we should therefore return \$8,000 to these people who did not appeal. I object.

The SPEAKER pro tempore. The gentleman objects. The Clerk will report the next bill.

#### CERTAIN LIBERTY BOND SUBSCRIBERS.

The next business on the Private Calendar was the bill (H. R. 13542) for the relief of Liberty loan subscribers of the North Penn Bank, of Philadelphia, Pa.; Santa Rosa National Bank, Santa Rosa, Calif.; and Mineral City Bank, Mineral City, Ohio. The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WALSH. Reserving the right to object, I notice that the gentleman from Pennsylvania [Mr. EDMONDS] introduced this bill. He is familiar with the circumstances. Will he state what it is intended to cover?

Mr. EDMONDS. This is to relieve certain innocent subscribers to the Liberty bond issues. These are the only three banks in the United States that failed while these subscriptions were being paid to the banks. When this bill is passed the question will be finally settled, unless we have another war.

Mr. BLANTON. Is the gentleman sure of that fact, that there are no other such banks?

Mr. EDMONDS. I asked the Treasury Department that, and told them I wanted them to include all of them in one bill.

Mr. BLANTON. I presume that has reference to national banks. Does the gentleman know how many State institutions and trust companies there were?

Mr. EDMONDS. I would have thought the Treasury Department would have told me if there were.

Mr. BLANTON. Would the Treasury Department have knowledge of failures of State banks and private trust companies all over the United States?

Mr. EDMONDS. Surely, if they were putting out Liberty bonds to those banks. These subscribers went to the banks, not because they went to them ordinarily but because they were notified by the bond committee. The bond committee told them to go to the nearest bank, and I have postal cards showing that the Liberty bond committee in Philadelphia told people to go to the North Penn Bank to subscribe. Most of them were small subscribers. They put up, possibly, \$25 or \$30 on a \$50 bond, or maybe \$60 or \$70 on a \$100 bond, and the bank failed. The court in Philadelphia has just rendered a decision that the bank has no responsibility at all in the matter. That is, it has held that the stockholders are not liable; that this was a side arrangement by which the bank undertook to receive subscriptions, and unfortunately the money was stolen.

Mr. BLANTON. Will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. BLANTON. I guess most of the Members of the House during the war subscribed to Liberty loan bonds, and many of them, if they were in the shape that I was financially, had to write to their home banks and get them to advance the money in order to pay for them. I know I did. In every such instance where the bank failed or where the bank lost the bonds, is the Government going to make good?

Mr. EDMONDS. I do not think so. In the case of the North Penn Bank I know of a man who left his bond at the bank to be registered, and the officers of the bank took it and hypothecated it. That would not be returned to him.

Mr. BLANTON. In a case of that kind should we make that good?

Mr. EDMONDS. No; I would not believe in doing anything of the kind. These are the subscribers to the bonds who went there and left their money in the hands of the bank with the idea of getting their bonds when they were entirely paid for.

Mr. BLANTON. Every person in the United States has the right to choose his own bank. Most people choose them believing that the bank they do business with is solvent and that they are not going to lose anything. Had not we as well remunerate all the depositors for their losses?

Mr. EDMONDS. Oh, the gentleman is carrying that a little too far. He asked the bank to act as his agent.

Mr. BLANTON. We ask the bank to let us pay so much a month. Most banks did that. If the individual had had the cash he would have bought the bond and paid for it.

Mr. EDMONDS. A lot of people were directed to go to this bank. I recollect that the central committee told the people to go to this bank, and I know of one man who made a subscription for \$5,000 who was not a depositor.

Mr. BLANTON. I do not think that the bill ought to come up in this way, and I object.

Mr. EDMONDS. I think the gentleman in making his objection makes a mistake, because this will be for the relief of many poor people.

Mr. BLANTON. Does not the gentleman think that this bill ought to come up when more of the membership of the House is present?

Mr. EDMONDS. This is left to the discretion of the Treasury Department, and any credit that may come in from these banks will be credited.

Mr. BLANTON. The gentleman realizes that if there were opposition to the bill here while it is being considered and it was called to attention it would embarrass some of our friends who have other bills to pass to vote against a bill at this time.

Mr. EDMONDS. I would like to get the bill passed unanimously, because I think the honor of the Government is at stake and not that of the bank.

Mr. BLANTON. I do not think so, and I object.

#### LEMUEL STOKES.

The next bill on the Private Calendar was the bill (H. R. 3522) for the relief of Lemuel Stokes.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Lemuel Stokes, late of Company C, Forty-fifth Regiment United States Colored Infantry, out of any money in the Treasury not otherwise appropriated, the sum of \$300, the same being commutation money received from him, he having afterwards enlisted.

With the following committee amendment:

Strike out, in lines 7 and 8 of the bill, the words "with interest at 5 per cent per annum from May 20, 1864, to date of payment."

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, I would like to ask the gentleman in charge of the bill where this bill has been all this time—fifty-odd years?

Mr. EVANS of Nebraska. I can not say where the bill has been; but the man to whom the money is to be paid is an ignorant man, unacquainted with any rule that required diligence on his part.

Mr. BLANTON. He may have been ignorant, but his father or his grandfather or his great-grandfather during the last 60 years might not be ignorant. It has been 56 years since this claim developed.

Mr. MOORES of Indiana. I can explain to the gentleman. I know this man well. He is now 89 years old. He was drafted during the Civil War at a time when his wife was extremely ill with typhoid fever.

Mr. BLANTON. The recitation of the facts I have in mind; but are we going to pay interest on this claim for 56 years?

Mr. MOORES of Indiana. No; the committee amendment is to strike out the interest. They are simply going to pay the old man his money back.

Mr. BLANTON. Without any interest?

Mr. MOORES of Indiana. Yes. He served 14 months in the Army after paying commutation to the Government to escape from the draft.

Mr. BLANTON. If the interest is stricken out, I have no objection.

Mr. EVANS of Nebraska. The committee amendment strikes out the interest.

Mr. BLANTON. And the committee will insist on the amendment?

Mr. EVANS of Nebraska. Yes.

Mr. BLANTON. With the Treasury in its present depleted condition, I doubt very much whether the Government could raise the interest on this claim for 56 years. [Laughter.]

The Clerk read the bill for amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FOCHT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### STATE OF RHODE ISLAND.

The next business on the Private Calendar was the bill (H. R. 12890) referring the claim of the State of Rhode Island

for expenses during the War with Spain to the Court of Claims for adjudication.

The Clerk read the bill, as follows:

*As it enacted, etc.* That the items of the claim of the State of Rhode Island against the United States for expenses incurred and paid in aiding the United States to raise its Volunteer Army in the War with Spain, which items, either in whole or in part, were rejected by the accounting officers of the Treasury Department, be, and the same are hereby, referred to the Court of Claims for adjudication and report to Congress. And the court is hereby authorized and directed to adjudicate said items of the State's claim upon the certificate of the governor or adjutant general of the State that they were for the reasonable and necessary costs, charges, and expenses incurred, in good faith, by the governor or State for the purposes hereinbefore stated, and with the firm belief upon the part of the governor that the money thus expended would be reimbursed to the State by the United States.

With the following committee amendment:

Strike out all of the bill after line 9 and insert in lieu thereof the following: "In adjudicating the said items of the claim the court is authorized to receive and accept as prima facie evidence of the same the certificate of the governor or adjutant general of the State, that the items were for the reasonable and necessary costs, charges, and expenses incurred in good faith by the State for the purpose of aiding the United States to raise its Volunteer Army in the War with Spain, believing that such expenditures would be reimbursed to the State by the United States."

Mr. MANN of Illinois. Mr. Speaker, I do not know, but perhaps the amendment is in better form than the original bill. This is where the State had a claim against the United States. All States have these claims. They were all placed on an even basis. The accounting officers disallowed some claims. This bill proposes to say that it is not a matter for the accounting officers to determine but a matter for the governor of Rhode Island. He certifies, and that is the end of it. I assume that every other State has the same sort of situation. Shortly we will have bills in here from other States asking that their governors have the right to certify and get money out of the Treasury, regardless of all being on an even footing.

Mr. EVANS of Nebraska. The amendment takes away from the governor the right to certify and requires evidence.

Mr. MANN of Illinois. The amendment reads:

The court is authorized to receive and accept as prima facie evidence of the same the certificate of the governor or adjutant general of the State.

And so forth.

I said that I was not sure but that the amendment might be better than the provision in the bill.

Mr. EVANS of Nebraska. The bill provides that the governor's certificate shall not be taken as conclusive. If the Federal Government appears by the Attorney General and there was evidence that it was not expended, the records would show it.

Mr. MANN of Illinois. I suppose the question here was whether the items were for reasonable and necessary costs, charges, and expenses. Here are some State officers spending a lot of money without authority which was not necessary to be used at all. Officials frequently do that. The accounting officers held them up. Men who spend money without authority unnecessarily are held up by accounting officers. In this case the accounting officers have held up this claim. Of course, the governor or adjutant general of the State certified that these expenses were reasonable and necessary. Now, that is prima facie; nobody can meet that question. If somebody should say they were not necessary, it does not make any difference. We are making them prima facie evidence that they are necessary. That ends it. Of course, I have been here a while and a lot of these claims have been pending. I have seen a whole lot of them paid, some of them I know were not proper to be paid, but I could not prevent it. Whenever a State does anything at all and spends any money and the General Government can in any way be interested in it, why, it wants the General Government to pay the expense out of the Federal Treasury. For that matter citizens of a State are getting so they want all the police powers that ought to be exercised by the State paid for out of the Federal Treasury.

Mr. FOCHT. Will the gentleman yield?

Mr. MANN of Illinois. I yield the floor.

Mr. FOCHT. Is it not a fact that the border States were subject to inevitable losses, running into untold millions, which have never been recovered, and time and again a bill has been presented? So, after all, while they come here for certain amounts, which have been paid, these border States have never been reimbursed for anything like the amount of losses sustained as a consequence of the war.

Mr. MANN of Illinois. This, of course, has nothing to do with the Civil War. If any of these States were invaded during the time of the Spanish-American War, that is news to me, except they were invaded by American troops. Some of them were invaded by American troops during that time and—

Mr. FOCHT. I was referring to the gentleman speaking of the States constantly grabbing for reimbursement for what they suffered during that period of trial and emergency.

Mr. MANN of Illinois. They are still striving at the Treasury. Even the gentleman's State, badly as it was damaged during the war, always looks with hope toward the Federal Treasury.

Mr. FOCHT. Has any State in the Union furnished more money and better men than Pennsylvania?

Mr. MANN of Illinois. Pennsylvania always did her share, and the gentleman can not get me to say she did not.

Mr. FOCHT. Then withdraw any objection to this bill and let Rhode Island have what belongs to her.

Mr. JONES of Texas. Mr. Speaker, I move to strike out the last word. I notice one of the items covered by this bill is a claim for moneys expended for troops which were never mustered into the service of the United States. Does the committee intend this bill shall cover expenses of that kind?

Mr. EVANS of Nebraska. Troops were ordered mobilized. More troops were gotten together than mustered into the Federal service, and the State paid for it, and it was not the fault of the State in having greater things than were asked of it, but it was because at the time the Federal Government did not see fit to take into the Federal service the troops which they requested the State to mobilize.

Mr. JONES of Texas. Does the gentleman find that in cases of this kind it was the custom of the Government to pay these expenses?

Mr. EVANS of Nebraska. The only case I had investigated was the present one.

Mr. JONES of Texas. The gentleman did not investigate as to the other claims?

Mr. EVANS of Nebraska. I did not investigate as to other States.

Mr. JONES of Texas. One of the items here is for the care of sick soldiers belonging to State organizations. Does the gentleman intend that also shall be covered in the bill? It is item No. 4.

Mr. EVANS of Nebraska. This is for care of soldiers included in those organizations.

Mr. JONES of Texas. And then I notice the other item, which seems to cover expenses incurred from the time of the tender of the soldiers to the United States Government until the time they were actually mustered into the service.

Mr. EVANS of Nebraska. That is what it is for.

Mr. JONES of Texas. These are part of the items. The others are items which were not incurred by the United States Government at all. I will state to the gentleman I have heard of several instances during the World War of claims that would be made by some of the States—I think one of them my State—for equipment of certain companies which tried to get into the service of the United States.

It seems to me if a bill were passed and claims of this character were allowed it would form the basis of numerous claims of organizations which were formed in various States of the Union during the last war, many of which were not organized into the service, some of those perhaps were. It would be the basis of claims running into the hundreds of thousands and perhaps millions of dollars. Now, I do not say such claims are unjust. On the other hand, many of them are no doubt just and equitable. But the measure if passed at all should be general and comprehensive in its scope and take in all of the States.

Mr. EVANS of Nebraska. The troops referred to by the gentleman from Texas were gathered together and mobilized and later on the Federal Government for some reason, not the fault of the State, refused to accept the troops, and there was no reason why the State should not be reimbursed. On the other hand, if it was an organization seeking entrance into the Federal service without a proper call from the officers of the Government, then those troops should not be reimbursed or the State.

Mr. JONES of Texas. I will give the gentleman one instance I happen to know about, which was during the time when the Government was undertaking to raise a great Army and everyone was trying to help out the Government. There was some question of just what form of organization would be authorized. Some regiments were organized in my State and a great deal of expense was incurred. These were organized with the expectation that they would be federalized, and I am informed that they were led to think so by the War Department.

Others were simply under discussion as to what would be allowed and what plan would be formed. In the meantime the State militia was organized in some places, and I know that several companies were organized in my State where private funds were expended in some instances, State funds in others, and the money went for the equipment and care of the men dur-



ing training. I know of several companies that were organized at the time when they thought measures were going to be passed.

Mr. PARRISH. Mr. Speaker, I will state in connection with what the gentleman was saying that I have a number of letters from young men in Texas who enlisted in this militia, and they were told at the time they enlisted that the expenses would be refunded them and that the troops would be federalized. These young men claim that they have spent their time and money and that they paid their own expenses while they were in the camp getting ready to be taken into the Federal service. They are demanding of me as a Representative in Congress to know whether or not they are going to be repaid the money they actually expended as well as money for the time they expended under the call of the country.

Mr. JONES of Texas. I thank my colleague and wish to say that I have had similar letters and requests. If a measure of this kind is to be passed, they ought also to be included. But this should be done by a thorough and general investigation. It would open up a field of almost unlimited extent. If we embark upon a proposition of this kind, it will call for general embarkation. It seems to me there ought to be, for the present at least, in view of what the gentleman has stated—namely, that this is the only claim of the kind that has been investigated in connection with the claims—a postponement of this specific measure until opportunity is had for a very thorough investigation; that the committee should go into the details of the claims from the various States and see whether or not they are such as would be proper.

Mr. PARRISH. If the gentleman will yield further, so far as I am concerned, I believe the Federal Government and the Congress of the United States ought to appropriate money to refund the expenses that these men were out of during the time they were responding to the call of their country in the hour of its emergency. I believe also it ought to appropriate money to pay them their usual salary for the service.

Mr. JONES of Texas. I do not know that I am in a position to dispute the gentleman on that. I think there is justice in the position the gentleman takes. And for that very reason I do not believe it is wise to pass claims of the kind that is before us when there are so many claims of similar character outstanding. There ought to be a general measure that would take care of such cases in a general way, so that the States and individuals who have similar claims may come within the purview of that law. There ought not to be a law passed on the investigation of a single claim that only takes care of that claim. A great many other claims along the same lines are as just and as fair. For that reason I am opposed to this bill, which singles out a State and the claims of that State, and upon the certificate of the governor of the State seeks to allow the claims, that have been made for equipment, training, and care of soldiers, most of which were never in the service. Especially is this true, since in the knowledge of the Members of the House there are many similar claims not only from the Spanish-American War but also from the great World War. If legislation of this kind is passed by the House, there ought to be a thorough investigation all along the line and a definite policy as to what is just and right in the premises.

Now, the gentleman who presents the bill admits that he only investigated in connection with this claim the single claims of the State of Rhode Island. I submit it has been my experience and the experience of my colleague, and I am satisfied it has been the experience of the other Members of the House, that there are many similar claims all over the United States. For that reason I think it would be unwise to adopt the bill.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. FOCHT. Will the gentleman yield?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FOCHT. Would you have the committee and the subcommittees send out word through the land that we are ready to consider measures of this kind? The gentleman from Pennsylvania [Mr. WILSON], a member of the War Claims Committee, carefully considered it and brought it here and regards it as a just bill. And, furthermore, we have heard a good deal here to-day about establishing precedents, especially from the State of Texas. Would not this be a good thing for the other gentleman from Texas, who says there are claims in Texas that might be presented; that it would establish a precedent and make it easier for the adjustment of those claims from Texas? Does not the gentleman believe that would be a good thing?

Mr. JONES of Texas. I think this, that the statement of the gentleman shows that no other claims were investigated, and that is not quite enough of an investigation to show that a precedent should be established. I admit that there are many

just claims, but it is not necessary to send broadcast an invitation to bring in claims. If the committee goes into it, it will be easy to ascertain from the governors of the States the necessary evidence to determine whether the claims are just; and if upon investigation the committee determines that the claims of not only this State but various other States, or a part of them, are just, it would be easy to pass a general measure under which all of the just claims can be brought, and then the matter can be considered in a comprehensive, just, and fair way. I submit that there are other claims that are just and that ought to be included in this bill and not excluded from it. If there are other just claims, they are excluded from this bill when they ought to be included.

Mr. FOCHT. In other words, you want a blanket bill to cover all the possible claims that may arise?

Mr. JONES of Texas. No, sir; I do not. I want a thorough investigation, and a bill that will cover only such claims as are just and that will exclude all that are unjust, and not show favoritism to any State or any particular class of claims.

Mr. FOCHT. With all due respect to the gentleman's reasoning power and his logic, how is he going to investigate when he knows nothing about it and there have been no claims presented?

Mr. JONES of Texas. As a matter of fact, I am sure the gentleman will not state that he has not heard of claims being made to the War Department, and of letters being written to the Secretary of War in which complaints have been made of these various expenditures in the different States by units that have been attempted to be organized for the purpose of benefiting the Government.

Mr. FOCHT. I have nothing to do with any business except that which comes before the Committee on War Claims, and I can state that as a member of that committee for probably 15 years this is the only claim of this character that has been presented; and as chairman of that committee I will state to the gentleman from Texas that if there are any claims from his State that are presented as completely and clearly as this has been in the report that comes from my good Democratic friend [Mr. WILSON] of Pennsylvania, they will be brought to this floor. We are not running around the country hunting trouble for the United States Government, or hunting people to stick their hands into the Treasury, whether they are entitled to the money or not. It is hard enough to get anything from the Government, as it ought to be, as is well known, and this is an instance of it.

Mr. JONES of Texas. How long has this claim been pending? How long has this measure been here?

Mr. FOCHT. So far as I know this bill was first reported at this session by the gentleman from Pennsylvania [Mr. WILSON] and introduced by the gentleman from Rhode Island [Mr. BURDICK].

Mr. JONES of Texas. When was the claim first made?

Mr. FOCHT. In the Sixty-sixth Congress.

Mr. JONES of Texas. Does the gentleman know the reason for the delay?

Mr. FOCHT. I have no idea at all why it has been delayed 20 years, any more than I have any idea why some other claims from the South which we have passed, 1,200 of them March 4, 1915, were delayed for 50 to 60 years. I do not know why they were not presented before. I voted for them, believing they were just, and to get rid of them.

Mr. JONES of Texas. Does the gentleman think it is wise to take this up?

Mr. FOCHT. Yes; I do.

Mr. JONES of Texas. Does the gentleman think it is wise to take up individual claims arising from the organization of militia, and pass them to the exclusion of others just as meritorious?

Mr. FOCHT. Of course, if the gentleman objects we will have to ask that the bill take the usual parliamentary procedure.

Mr. MANN of Illinois. I move that the further consideration of this bill be postponed until the Private Calendar is called again.

Mr. FOCHT. May I ask the gentleman from Illinois if out of courtesy and consideration for the gentleman who introduced the bill [Mr. BURDICK] and the gentleman who reported it [Mr. WILSON of Pennsylvania], and if on account of their absence he will not allow this to go over without prejudice?

Mr. MANN of Illinois. Certainly.

Mr. FOCHT. I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. The gentleman asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

W. C. STEWART.

The next business on the Private Calendar was the bill (H. R. 11945) for the relief of W. C. Stewart.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. May we have it reported, Mr. Speaker?

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to W. C. Stewart, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$285, the said W. C. Stewart being an assistant engineer, working under the direction and supervision of the Department of State on the International Boundary Commission between the United States and Mexico, the same being for services rendered as such assistant engineer for the months of March and April, 1915.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN of Illinois. Reserving the right to object, I should like to know more about this bill. I believe it is not the only one.

Mr. VAILE. There are two, this and the next bill, involving the same state of facts. Mr. Stewart, who is named in this bill, was the assistant engineer of the International Boundary Commission employed by the Department of State under the treaty with Mexico. Mr. Corbin, whose claim is involved in the next bill, was the consulting engineer. They were employed at salaries fixed by the Department of State. They rendered these services. They did actual work. Mr. Corbin maintained an office in El Paso, with Mr. Stewart as his assistant, where they assisted in straightening out boundary questions, disputes, and so forth, which arose. They did the ordinary work which comes into an engineer's office. The reason they were not paid was because Mr. John Wesley Gaines was in charge not only of the work of the International Boundary Commission but also of the Commission for Equitable Adjustment of the Waters of the Rio Grande, and the fund which was appropriated by Congress was for both of these services. Mr. Gaines so apportioned that fund that it was short for the employees of the International Boundary Commission. Mr. Corbin at the close of the fiscal year 1915 was about four months' salary short, and at the end of the fiscal year 1916 had not received his salary for a month and a half, or something like that. Mr. Stewart, I believe, was only a month and a half short altogether.

Mr. MANN of Illinois. Here we make an appropriation for certain services. Mr. John Wesley Gaines, by the way, was a Member of this House for many years, appointed on the Mexican Boundary Commission, I think, probably because he had been a Member of Congress and was a good Democrat. For years we were trying to get rid of the Mexican Boundary Commission. They were practically doing nothing while the troubles in Mexico were going on. Now, I understand the gentleman to state that we made an appropriation for the Mexican Boundary Commission and for the diversion of the waters of the Rio Grande, or something of that sort, and because Mr. Gaines, who, I suppose, had the authority to apportion the expenditure of these funds, did not apportion enough to pay these men for doing probably unnecessary work, or not working at all, I do not know which, therefore we must make a special appropriation to pay them out of the Treasury.

Mr. VAILE. If the gentleman's argument depends on the assumption that they were doing unnecessary work or were not working, I am sure the gentleman is very much mistaken. They were engineers, professional men, just like lawyers or doctors employed on a professional salary or retainer.

Mr. MANN of Illinois. I was paying attention to the Mexican Boundary Commission long before the gentleman was.

Mr. VAILE. No doubt, but the gentleman knows that professional men, like engineers and doctors and lawyers, are not supposed to superintend the apportionment of this money.

Mr. MANN of Illinois. I know that they usually know that there is money to pay them or they do not work.

Mr. VAILE. As a matter of fact, Mr. Corbin maintained his office in El Paso for the settlement of these questions during all the last months of 1915, knowing that he had not been paid but relying on his Government which had employed him at a stated salary, relying on the good faith of this Government to pay him.

Mr. MANN of Illinois. I assume that Mr. Corbin knew there was objection to maintaining the Mexican Boundary Commission at great expense, that had been maintained down there when it was a pure sinecure.

Mr. VAILE. It was not a sinecure for him.

Mr. MANN of Illinois. I do not know whether he was working or not. I assume that the gentleman believes that he was or he would not make the statement, but he makes it on the information that he has secured from Mr. Corbin.

Mr. VAILE. Corbin and others.

Mr. MANN of Illinois. Mr. Corbin may be a very good engineer; I do not know or care. He was going ahead like everybody else, knowing that he was working for the Government with no appropriation to pay for it. He was doing the work with the understanding that it was entirely useless. We are not any better off with regard to the Mexican boundary work than we were many years ago. We finally succeeded in abolishing the commission. It remained in existence only because there was an ex-Member of Congress on it. Mr. Corbin was kept at work for a long time after everybody admitted that there was no occasion for this appropriation and the appropriation would not have been made had there not been a former Member of Congress on the commission.

Mr. VAILE. The Government of the United States kept him at work.

Mr. MANN of Illinois. I do not know who appointed him.

Mr. VAILE. He was appointed by Secretary Bryan.

Mr. MANN of Illinois. That does not improve the situation any. [Laughter.] It may have been a political appointment.

A MEMBER. A deserving Democrat.

Mr. VAILE. He was a deserving engineer; a real deserving engineer.

Mr. SMITH of Idaho. If the gentleman will yield, does not the record of the State Department show these men were acting under the instruction of their superior officer and rendered service, and that they were not supposed to know whether there was money available to pay them or not?

Mr. VAILE. They did not have to come before the Committee on Appropriations and ask for the money.

Mr. MANN of Illinois. I understand the position of my distinguished friend from Idaho and my distinguished friend from Colorado to be that if some officer of the Government asked Congress for an appropriation and Congress declined to make the appropriation, and they told the men to go ahead and do the work, then these men could come in and we should appropriate the money to pay them?

Mr. SMITH of Idaho. I understand the money was appropriated, but was apportioned to a different purpose.

Mr. MANN of Illinois. It was appropriated for a certain purpose. It was used for other purposes, and the whole Mexican Boundary Commission knew that Congress was trying to get out from under them.

Mr. SMITH of Idaho. The gentleman assumes that the department knew all that.

Mr. MANN of Illinois. Oh, they knew more than the commission knew.

Mr. VAILE. Is it the position of my distinguished friend from Illinois, who is so much more experienced than I am, that men who are employed by the Government to do work and who are not discharged, who have no supervision over appropriations, and no control over how they are apportioned, can not be paid if the appropriation is apportioned to some other work?

Mr. MANN of Illinois. That is right; that is the case; that is the reason we make appropriations.

Mr. VAILE. Then, that goes to corroborate the saying that Uncle Sam is the meanest paymaster in the world.

Mr. MANN of Illinois. Oh, well, Uncle Sam is frequently imposed upon, frequently endeavored to be imposed upon. If this was a private concern nobody would have the nerve to ask that these men should be paid out of the treasury of that private concern.

Mr. VAILE. If this was a private concern the men would have been fired, and if they were not fired they would have been paid, or they could come into court and collect their money. But here they have to come to the House of Representatives and ask for it on their knees, and so we are in a different situation.

Mr. MANN of Illinois. We have no way of firing the employees of the Government. We have no control over them. The only control we have is over the question of making appropriations, and if we deliberately go ahead and make appropriations to pay men whom we have asked to be fired, so far as we have any power, and they are not fired, what is the value of—

Mr. TIMBERLAKE. Will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. TIMBERLAKE. According to the information furnished by the Secretary of State in connection with these two cases, does it not appear in the testimony that this appropriation was



actually made for the purpose of paying the engineers, and that by reason of the fact that John Wesley Gaines diverted the appropriation that was made for these engineers without warrant—does not the gentleman think that changes the status a little, and do not these gentlemen come in with clean hands?

Mr. MANN of Illinois. If the gentleman convinces me, and I am willing to be convinced, that John Wesley Gaines unlawfully diverted the money which had been appropriated to pay these men for another purpose, I am quite willing to appropriate it over again.

Mr. TIMBERLAKE. Does it not appear from the report made by the Secretary of State?

Mr. MANN of Illinois. It may; I do not know. If it does, it is time that the Government got after John Wesley Gaines and the accounting officers of the Government. I do not understand how John Wesley Gaines could unlawfully divert the money appropriated for one purpose and use it for another purpose and get it by the accounting officer.

Mr. TIMBERLAKE. Has the gentleman read the report made by the committee?

Mr. MANN of Illinois. I have read the report hastily.

Mr. TIMBERLAKE. It says at the bottom of page 4 of the report:

With respect to item No. 1, it may be observed that the information in the possession of the department indicates that the appropriation made by Congress to carry on the work of the commission during the period from July 1, 1914, to June 30, 1915, was \$15,000; that the act making this appropriation authorized the expenditure of a part of this amount in the study of questions relating to the equitable distribution of the waters of the Rio Grande; that Mr. John Wesley Gaines, before mentioned, was appointed as director in charge of the study in question, and besides, as before indicated, served as secretary of the boundary commission at a salary for both offices of \$4,800 per year; that other expenses of the commission for the fiscal year mentioned were—

Mr. MANN of Illinois. I have read all that, but I do not see anything about an unlawful diversion.

Mr. VAILE. I do not think it was unlawfully diverted, it was an abuse of discretion. On page 4 Secretary of State Lansing, after describing the duties of Mr. Gaines, secretary of the commission, in the preceding paragraph, goes on:

It is stated in the bill that as such consulting engineer Mr. Corbin was "working under the direction and supervision of the Department of State." With respect to this statement, it may be said that while it is correct in a general sense, yet, as a matter of fact, there being at the time no United States commissioner, the work of the boundary commission in the United States was then under the direction of Mr. John Wesley Gaines, secretary of the commission, who gave all of the orders for employment and had control of the appropriations for the work of the commission, which were disbursed under his supervision by a disbursing officer of the commission, and the department was not aware of the fact that there was a deficiency in the appropriation for the fiscal year ending June 30, 1915, which is later discussed, until it was afterwards so advised by the commission in writing.

If the department did not know that the appropriation was exhausted, should these men, employees of the commission, be expected to know it?

Mr. MANN of Illinois. This appropriation was made for the commission. The department does not keep track of the appropriations or the commission. The department does not know, the accounting officers do not know, that these people were working under the commission.

Mr. VAILE. But the gentleman must acknowledge—

Mr. MANN of Illinois. And, by the way, the State Department as a rule does not know anything about anything; seldom about diplomatic matters, and nothing about anything else.

Mr. VAILE. Well, these men are doubtless entitled to know something, even as much as the gentleman thinks they do know.

Mr. MANN of Illinois. I am willing to give them credit; but I see appropriations made here that ought to stop, but I suppose if they had been stopped these people then would have been fired. I did not think they were working any at the time, and I do not think yet that they have ever done much of anything. But here they go ahead with a contract at a salary. How much is this salary—\$400 a month? I do not blame men for not wanting to give up that salary.

Mr. SMITH of Idaho. If the gentleman will permit me, does the gentleman see anything in the report, or is there any evidence anywhere to indicate that these men did not actually perform the service that they were supposed to perform? Do not the records show that they did do their duty and faithfully rendered service for which they have never been paid?

Mr. VAILE. There is no suggestion in any report or hearings that they were not doing their work.

Mr. MANN of Illinois. Does the gentleman know anything about what work they are doing there?

Mr. SMITH of Idaho. Only in a general way. I assume that these men were performing their regular duties; there is certainly no evidence to the contrary.

Mr. MANN of Illinois. They are not doing much work on the Mexican border.

Mr. SMITH of Idaho. These were engineers—

Mr. MANN of Illinois. Not on the Mexican border.

Mr. SMITH of Idaho. And acting under instruction.

Mr. MANN of Illinois. I expect they were in the office—

Mr. SMITH of Idaho. I do not know why the gentleman would assume that they were not actually performing their duty in the office and in the field.

Mr. MANN of Illinois. Probably doing office work. Mexican border work was not very pleasant about that time.

Mr. VAILE. They ran the lines and put the monuments up. I have seen the monuments.

Mr. MANN of Illinois. The work has been going on for many, many years.

Mr. VAILE. It was revived under this commission.

Mr. MANN of Illinois. This is an old, old commission.

Mr. SMITH of Idaho. We would be in a very unfortunate situation if the appropriations for the payment of salaries of Members of Congress were exhausted and we would have to come in here and try to get an appropriation through to make up the back salaries. That is the situation here. These men performed the services and should be paid.

Mr. MANN of Illinois. If Members of Congress were only paid for the service they perform, there would be a radical falling off in the appropriation. [Laughter.]

Mr. VAILE. Shall we have to come in after five years and prove we rendered the service, or would we not be entitled to the presumption that we had rendered the service?

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN of Illinois. Mr. Speaker, I object.

HENRY P. CORBIN.

The next business in order on the Private Calendar was the bill (H. R. 12005) for the relief of Henry P. Corbin.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN of Illinois. Mr. Speaker, I object.

A. A. BRUCE.

The next business in order on the Private Calendar was the bill (H. R. 178) authorizing an exchange of land by A. A. Bruce, of La Veta, Colo.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That upon the transfer by A. A. Bruce to the United States of title to the following-described lands: Commencing at a point 1,920 feet south and 30 feet west of the northeast corner of the southeast quarter of section 20, township 29 south, range 68 west of the sixth principal meridian; thence west 843 feet; thence south 720 feet; thence east 80½ feet; thence in a northeasterly direction 715 feet, variation 50°; thence northeast 48 feet, variation 10°; thence northeast 309 feet, variation 50°; all in the east half of section 20, township 29 south, range 68 west of the sixth principal meridian, in Huerfano County, Colo., containing approximately 8 acres, the Secretary of the Interior is authorized, upon approval of the Secretary of Agriculture, to issue a patent to A. A. Bruce for the southwest quarter of the southeast quarter of section 6; the northwest quarter of the northeast quarter, the northeast quarter of the northwest quarter, and lot 1 of section 7, township 30 south, range 68 west of the sixth principal meridian: *Provided*, That the survey of the tract to be deeded to the United States shall be made at Government expense under the direction of the United States surveyor general.

The committee amendment was read, as follows:

Page 2, line 13, after the word "meridian," insert "*Provided*, That the patent issued shall reserve to the United States, its grantees, or lessees, all coal, oil, or other mineral deposits in the land patented as well as the rights to prospect for, mine, and remove the same."

The question was taken, and the amendment was agreed to.

Mr. JONES of Texas. Mr. Speaker, I move to strike out the last word. May I ask the gentleman from Colorado a question?

Mr. TAYLOR of Colorado. Certainly.

Mr. JONES of Texas. Is this exchange to be made as a courtesy to Mr. Bruce or the Government or at the instance of Mr. Bruce or the Government?

Mr. TAYLOR of Colorado. It is at the instance of the Forest Service. Mr. Bruce happens to own 8 acres of good cultivated land that the Forest Service needs and wants to use as a ranger station. They want him to convey this 8 acres of good land to them, which they will use as headquarters, and they will give him in lieu thereof about 160 acres of grazing, noncultivated land. The Government gets title to its land to the center of the earth, whereas the Government only gives him a surface right and reserves the coal, oil, minerals, and so forth. This is a matter for the convenience of the Forest Service, and it is agreeable to Mr. Bruce. There is no money passing at all.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

S. S. MARKLEY.

The next business in order on the Private Calendar was the bill (H. R. 9357) for the relief of S. S. Markley.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, I would like to ask why this party could not acquire this land under the procedure followed for their disposition under the acts of March 3, 1911, and June 30, 1913?

Mr. FERRIS. I would be very glad to state the case to the gentleman tersely. This land was opened by the Stephens law away back in 1906. The land with other similar land was sold the next year, and sold at the highest bid. Coupled with that act was a provision that the land had to be homesteaded—lived on, and so forth. The minimum-price provision was \$5 an acre. This particular 160-acre tract of land was bought by a man by the name of A. N. Ross for \$1,800, and he paid one-fifth of it down, abandoned the land, never establishing residence on it or making any effort to comply with the law as to residence or payments. This man Snell Markley is a farmer. He contested the land on the charge that it was abandoned land. It was abandoned land, as above set forth. The Land Office held the land was abandoned and canceled the entry back in 1914. After that an appeal went up to the Interior Department, and it held that his application was rejected for the reason that the land was not subject to entry, even though it had been successfully contested and entry in all things conceded. Markley appealed to me to introduce a bill to give him the right to enter and buy it, notwithstanding that he was not allowed under the technical provision of the law to enter as a result of a successful contest. I did introduce it. He only asks to buy it and pay for it. He is entitled to it. The Secretary of the Interior has been recommending that this bill be passed for two or three years.

Every time I go home Markley asks me why I did not get his bill through. It has been on the Private Calendar, where we have to have unanimous consent, and I have had to explain to him that I have not been able to get to it. It affects but one man. He went to the expense of canceling it. He did a service to the Government in doing that, because it was an abandoned tract. It is a poor piece of upland, bald prairie without a stick on it, and he wants to pay for it what it was worth originally.

Mr. WALSH. Without being required to reside on it?

Mr. FERRIS. He has resided on it 8 or 10 years now. He has really earned it two times over.

Mr. WALSH. He has been on the land he is seeking to acquire?

Mr. FERRIS. That is quite the practice. When one contests a piece of abandoned land the contestant, not always, but quite generally, lives on it, and he has lived there right along. He has no title, unless Congress gives it to him.

Mr. WALSH. Is the department favorably disposed toward this?

Mr. FERRIS. Yes; they have recommended it. Their recommendation is printed in the report. It ought to have been passed before.

The Committee on the Public Lands has reported it once or twice, and it is on the calendar, where you can seldom get a thing through.

Mr. WALSH. I withdraw the reservation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized and directed to sell to S. S. Markley, within a period of 90 days from and after the passage of this act, at the original purchase price of \$1,800, the southeast quarter of section 2, township 3 south, range 12 west, Indian meridian, Cotton County, Okla., and issue to him a patent therefor.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

CON MURPHY.

The next business on the Private Calendar was the bill (S. 3119) for the relief of Con Murphy.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. I object.

The SPEAKER. The Clerk will report the next bill.

GUSTAVUS F. GALLAGHER.

The next business on the Private Calendar was the bill (H. R. 11917) for the relief of Gustavus F. Gallagher.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. I object.

The SPEAKER. The Clerk will report the next bill.

JOSEPH DONNELLY.

The next business on the Private Calendar was the bill (H. R. 15234) to correct the military record of Joseph Donnelly.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WALSH. Reserving the right to object, Mr. Speaker, I notice there are a large number of bills upon the calendar to correct military records, and most of them are reported by the gentleman from New York [Mr. SANFORD], who is not present. I am wondering if there is any member of the Committee on Military Affairs present who is familiar with the facts in these cases. There are one or two of them, I think, where inquiry has possibly been made.

Mr. HULL of Iowa. Mr. Speaker, I can say as a member of the Committee on Military Affairs that these bills are all bills that have been reported before. The gentleman from New York [Mr. SANFORD] reported them from the subcommittee to the full committee and the full committee reported them out. I was hoping that the gentleman from New York would be here to-day. Some of the bills I know a little about; some of them I reported myself some years ago. I think there is one bill here that has passed the Senate once or twice and the House once or twice. I presume the better way would be to pass them over unless the Members who are interested in the bills are present.

Mr. MAGEE. Mr. Speaker, I would like to say that I have two bills here that have been pending about four years, and I know about those two. I would like to have them considered now.

Mr. WALSH. I do not think we ought to pick out any two. I would like to inquire if the gentleman from New York [Mr. CALDWELL] is here, the gentleman who introduced this bill? I do not recall having seen him before, but I thought possibly he might be here to-day. In fact, I have not seen him at this session. I will object to this measure.

The SPEAKER. Objection is made, and the Clerk will report the next bill.

SHIPOWNERS &amp; MERCHANTS TUGBOAT CO.

The next business on the Private Calendar was the bill (H. R. 11066) for the relief of the Shipowners & Merchants Tugboat Co.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLANTON. May we have it reported, Mr. Speaker, please?

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, to the Shipowners & Merchants Tugboat Co. the sum of \$2,233.14 for damages to their tug, the *Sea Rover*, when she was run into by the quartermaster steamer *General McDowell*, of the United States Army, on the night of November 21, 1917, off Black Point and between Black Point and Alcatraz Island, in San Francisco Bay, Calif.

Mr. BLANTON. Reserving the right to object, Mr. Speaker, I would like to ask the chairman of the committee what the committee's objection was to this being reported to the court of admiralty?

Mr. EDMONDS. There is no question about this claim. The department acknowledges their fault and they repaired the boat.

Mr. BLANTON. There was no negligence on the part of this tug?

Mr. EDMONDS. No. The department agreed it was their own crew that was negligent.

Mr. BLANTON. And the Secretary of the Navy recommends the payment of this amount?

Mr. EDMONDS. The Secretary of War.

Mr. BLANTON. I meant the Secretary of War.

Mr. EDMONDS. Yes. The Judge Advocate's office claims it would cost \$4,000 to make repairs, but they were made for \$2,233.14.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The bill was again reported.



The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

KATHRYN WALKER.

The next business on the Private Calendar was the bill (S. 2371) for the relief of Kathryn Walker.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PARRISH. Mr. Speaker, reserving the right to object, I should like to ask the gentleman in charge of the bill what provision has been made for carrying out the recommendation of Secretary Lane, wherein he says:

I suggest that the relief granted be made conditional upon the land being free from valid adverse claims at the time payment is made under the terms of the bill.

Is any provision made in the bill to meet the suggestion of the Secretary of the Interior in that respect?

Mr. HERNANDEZ. Not that I know of.

Mr. PARRISH. The Secretary of the Interior in his report on the bill says:

In view of the fact that Mrs. Walker relinquished her entry, thus making it possible for an adverse claim to intervene, I suggest that the relief granted be made conditional upon the land being free from valid adverse claim at the time payment is made under the terms of the bill.

Is any assurance or provision made to carry out the suggestion of the Secretary of the Interior in that particular?

Mr. HERNANDEZ. I suppose that question will have to be thrashed out in the local land office or the General Land Office. There may be an adverse claim. I see a former husband entered the land when she relinquished it.

Mr. PARRISH. If Congress directs or authorizes the Secretary to issue a patent to this woman and there is an adverse claim to the land, will not Congress be called upon to settle with her if we are not able to deliver a clear title to the land?

Mr. HERNANDEZ. I do not see that there is any valid claim on the part of the husband for going on the land.

Mr. PARRISH. The Secretary of the Interior seems to think there is danger of a valid adverse claim having already attached, and in his report on this legislation he suggests that Congress make provision for taking care of that very condition.

Mr. HERNANDEZ. Yes; I see that.

Mr. PARRISH. It seems to me that it would be well to carry out the suggestion of the Secretary of the Interior in that regard, and I see nothing in the bill that meets that condition.

Mr. HERNANDEZ. No; the bill just provides for the issuance of a patent after she complies with the law. Of course, when she is complying with the law this adverse claim may be proven, and she would not be authorized to buy the land unless she proved her claim to it. This does not give her the land.

Mr. TAYLOR of Colorado. In other words, if you will permit, the Government would not let her have title to the land unless it is clear. I may say, Mr. Speaker, that this bill was considered before our Public Lands Committee, and it appealed to us very strongly. This woman's property was subject to being repeatedly raided by bands of outlaws, and she was heroically trying to maintain a home there, and really it was a very pathetic and tragic case that very forcibly appealed to us on behalf of this unfortunate woman.

Mr. HERNANDEZ. She was practically driven from her homestead.

Mr. PARRISH. I would suggest to the gentleman from Colorado [Mr. TAYLOR] and to the gentleman in charge of the bill [Mr. HERNANDEZ] that those things appeal to me, also, but it seems to me that Congress ought to carry out the suggestion of the Secretary of the Interior, and at least make provision that he be not directed to patent this land to her if there is an adverse claim existing at the date of the passage of the bill.

Mr. HERNANDEZ. She will have to comply with the law and prove that she has a right there before she will be allowed to pay the money for this land. So when she goes to pay for the land and prove her claim, she has got to have witnesses to prove that she is entitled to it, and everyone who has an adverse claim against her can go before the Land Office and contest her right to the land.

Mr. PARRISH. Will the gentleman from Colorado give me his attention?

Mr. TAYLOR of Colorado. Yes; certainly.

Mr. PARRISH. Is this the usual form of bill in cases of this kind?

Mr. TAYLOR of Colorado. Oh, yes. The Interior Department will not let her have title to the land unless she complies

with the regulations. That is a matter of regulation. The Federal officials will not give her a patent unless she is entitled to it.

Mr. PARRISH. I see that by this bill the Secretary is directed to patent the land to her.

Mr. TAYLOR of Colorado. Yes; but it will be patented subject to any adverse interest, if there is any. The Government will not guarantee title. As a matter of fact, she will have to comply with the regulations, and there is no question but what the Government will be protected in the matter. The Public Lands Committee felt very keenly that any woman that had endured the hardships and terrorism that this poor woman has trying to get a home is entitled to it, at least to this land upon which she is and has been desperately trying to make a home.

Mr. PARRISH. Just one other question. Is it customary to reserve the oil and gas rights in bills of this kind?

Mr. HERNANDEZ. I think that is provided for now in all patents.

Mr. PARRISH. I see there is no such reservation in this bill.

Mr. HERNANDEZ. No; but that reservation will be made in the patent when it is issued. All patents are issued in that way now.

Mr. PARRISH. I doubt if this general reservation of minerals in patents is sufficient. I think if the Government intends to retain all the mineral rights it will have to be by a special bill where we are granting the title absolutely to her as provided for in this bill. Will the gentleman accept an amendment making that reservation?

Mr. HERNANDEZ. Oh, yes; surely.

Mr. PARRISH. I withdraw my reservation and offer it as an amendment.

Mr. CRAMTON. Reserving the right to object, this bill has no House report. The House Committee—

Mr. SMITH of Idaho. Yes; House Report 867.

Mr. TAYLOR of Colorado. What the gentleman means is that this is a Senate bill.

Mr. CRAMTON. The Interior Department was not asked by the committee to make a report. The only report we have is the report made to the Senate. In that report it is said that the land in question was entered by James L. Walker, who is, I assume, the husband of this claimant. Now, in the closing paragraph to which the gentleman from Texas has referred there is a request, or a suggestion, by the Secretary of the Interior for an amendment. He says:

In view of the fact that Mrs. Walker relinquished her entry, thus making it possible for an adverse claim to intervene, I suggest that the relief granted be made conditional upon the land being free from valid adverse claim at the time payment is made under the terms of the bill.

It is urged that this is unnecessary, although the suggestion comes to us from the Secretary of the Interior, who no doubt was well informed in regard to the case.

Mr. HERNANDEZ. I am willing to accept an amendment.

Mr. CRAMTON. If the bill passes as it now reads the Secretary of the Interior will have no discretion whatever. He is directed to issue a patent to the land the title to which is now in the United States. I think unless the gentleman accepts the amendment, and the bill should pass in its present form, there might be some complication.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to issue patent to Kathryn Walker (formerly Kathryn McKnight) for the northeast quarter of section 12, township 29 south, of range 7 west, New Mexico meridian: *Provided*, That the said Kathryn Walker pay the lawful price of the land within six months after the approval of this act.

Mr. MANN of Illinois. Mr. Speaker, I move to amend, in line 4, by striking out the word "Kathryn" and inserting "Kathryn."

The amendment was agreed to.

Mr. PARRISH. Mr. Speaker, I offer the following amendment:

In line 9, page 1, strike out the period and insert: "*Provided*, That the relief granted be made conditionally upon the land being free from valid adverse claims at the time the payment is made under the terms of the bill."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HERNANDEZ, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXCHANGE OF LANDS WITH HENRY BLACKBURN.

The next business on the Private Calendar was the bill (S. 429) to authorize an exchange of land with Henry Blackburn.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized to accept title to the southwest quarter of the southeast quarter of section 19, township 39 south, range 6 west, Salt Lake meridian, and to convey in exchange therefor to Henry Blackburn, of Orderville, Utah, title to the northeast quarter of the northeast quarter of section 30, township 39 south, range 6 west, Salt Lake meridian, and upon reconveyance the land deeded to the United States shall thereupon become part of the Sevier National Forest and subject to all laws and regulations applicable thereto.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MAYS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

JOHN F. KELLY.

The next business on the Private Calendar was the bill (H. R. 9299) removing the charge of desertion against John F. Kelly.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. BLANTON. I object.

JAMES R. M'GUIRE.

The next business on the Private Calendar was the bill (H. R. 13777) for the relief of James R. McGuire.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of the pension laws James R. McGuire shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company C, Second Regiment Kentucky Volunteer Cavalry, on the 30th day of November, 1864.

With the following committee amendment:

After the figures "1864," line 8, add the following: "Provided, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act."

The SPEAKER. Is there objection?

Mr. BLANTON. I object.

JOHN MINAHAN, ALIAS JOHN BAGLEY.

The next business on the Private Calendar was the bill (H. R. 788) for the relief of John Minahan, alias John Bagley.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. BLANTON. Reserving the right to object—

Mr. KINKAID. Mr. Speaker, this bill has been reported by the House Committee on Military Affairs favorably four times. Once the bill passed the House, went to the Senate, was favorably reported by the Senate committee, but the calendar was not taken up before that Congress expired.

This soldier served clear through the Civil War. He enlisted when he was a boy. Along in 1864, when his service in the second enlistment expired, he reenlisted. When his second enlistment would have expired in a very short time he was granted a furlough, and going to New York City he fell in company with some former sailor comrades. They got to drinking, as seamen sometimes do, and became drunk. His friend called him a landlubber and invited him to enlist in the Navy. He thought it was no harm to do so, as he swears he had never read the Articles of War nor had they ever been read to him. He thought it was useless to go back for so short a time to his company or to wait until his time had expired, and being intoxicated he was bold about it and enlisted in the Navy. He served well in the Navy and received an honorable discharge therefrom in 1865 at the close of the war.

He was in several very important battles while in the Army—they are named in the affidavits—and he made a good record as a soldier. He lives in my home city. His property has been exhausted.

Mr. BLANTON. Will the gentleman yield?

Mr. KINKAID. Yes.

Mr. BLANTON. When he was discharged in 1865, which is 55 years ago, he knew that there was pending against him a charge of desertion, and he has known that all through these long 55 years which have elapsed, and now, when there is a chance of getting a pension under the liberal pension laws lately passed, after all these years, he now comes in and asks us to remove that charge of desertion.

Mr. KINKAID. Yes, my friend; he has done without a pension a very long time. He is a very old man, and his property is gone.

Mr. BLANTON. The gentleman's knowledge goes to what has been told him at this time?

Mr. KINKAID. No; I know him personally. I know about his property.

Mr. BLANTON. The gentleman knew him in 1865?

Mr. KINKAID. Oh, no; not quite so long ago as that, but since 1885.

Mr. BLANTON. The gentleman is depending upon hearsay now for these facts?

Mr. KINKAID. The evidence is abundant; read it.

Mr. BLANTON. When witnesses were all alive, when it was very easy to establish the real facts, does not the gentleman think the case would appeal more strongly if he had come in, say, 25 years ago?

Mr. KINKAID. There are no facts in controversy here; it is a clear case. He has an honorable discharge from the Navy but did not have an honorable discharge from the Army. If there ever was a meritorious case from the records, this is one.

Mr. RICKETTS. Did he have an honorable discharge when he first served in the Army?

Mr. KINKAID. Yes. His first service was a short service—no; three years—and then he reenlisted.

Mr. RICKETTS. That is all right.

Mr. KINKAID. Then he reenlisted.

Mr. BLANTON. I suppose there was some good reason for him to hide out his identity. I know of cases where persons sought to lose their identity.

Mr. KINKAID. I want to say the gentleman from Texas will take care of that case right well, I have no doubt of that. There is no such serious charge made against my constituent, and the bankers of the city and mayor recommend him very highly. He is an old man, decrepit, and without property.

The SPEAKER. Is there objection?

Mr. BLANTON. I object.

#### ORDER OF BUSINESS TUESDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that it may be in order to-morrow to consider bills on the Private Calendar in the House as in Committee of the Whole House, commencing at the point where we leave off to-night.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that it will be in order to-morrow to consider bills on the Private Calendar in the House as in Committee of the Whole House, commencing at the point where we leave off to-night. Is there objection?

Mr. WINGO. Mr. Speaker, reserving the right to object, I presume we will not have an appropriation bill ready to-morrow.

Mr. MONDELL. No, sir; I think not.

Mr. WINGO. Does the gentleman expect to have one ready Wednesday?

Mr. MONDELL. We hope so.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

#### LEAVE OF ABSENCE.

By unanimous consent, Mr. PORTER was granted leave of absence, indefinitely, on account of the illness of his daughter.

#### EXTENSION OF REMARKS.

Mr. RANDALL of California. Mr. Speaker, I ask unanimous consent to extend my remarks on the pension bill passed last Thursday.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

#### ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 54 minutes p. m.) the House adjourned to meet to-morrow, Tuesday, December 28, 1920, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

268. A letter from the President of the United States Civil Service Commission, transmitting schedules of useless executive papers and requesting their disposition; to the Committee on Disposition of Useless Executive Papers.

269. A letter from the Commission in Charge State, War, and Navy Department Buildings, transmitting draft of suggested legislation to permit the commission to remove certain buildings; to the Committee on Public Buildings and Grounds.

270. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Cowlitz River, Wash., from the mouth to Ostrander; to the Committee on Rivers and Harbors.

271. A letter from the Secretary of War, transmitting letter from the Chief of Engineers, submitting a preliminary statement on development of Potomac River to secure an increased water supply for the District of Columbia; to the Select Committee on Water Power.

272. A letter from the Secretary of War, transmitting draft of requested legislation to authorize the granting of permits for



the installation of underground ducts, etc., within the public grounds; to the Committee on Public Buildings and Grounds.

273. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the Department of Agriculture to meet the emergency caused by the existence of the Parlatoria date scale (H. Doc. No. 941); to the Committee on Appropriations and ordered to be printed.

274. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation from the Secretary of War for "Prevention of deposits, New York Harbor," fiscal year 1922 (H. Doc. No. 942); to the Committee on Appropriations and ordered to be printed.

275. A letter from the Secretary of the Treasury, transmitting from the Secretary of War proposed paragraph of legislation extending the appropriation for dedicating the Grant Memorial (H. Doc. No. 943); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SCOTT, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 12396) to amend an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea," approved March 4, 1915, reported the same with an amendment, accompanied by a report (No. 1146), which said bill and report were referred to the House Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 15372) authorizing the lease of lands containing deposits of minerals, oil, oil shale, or gas by the State of Washington for longer periods than five years; to the Committee on the Public Lands.

By Mr. OSBORNE: A bill (H. R. 15373) to amend the United States cotton futures act by inserting therein a new section for American Egyptian cotton only, to be known as section 5A; to the Committee on Agriculture.

By Mr. KAHN: A bill (H. R. 15374) authorizing the Secretary of War to lease to the Bush Terminal Railroad Co. and the Long Island Railroad for restricted use the tracks of the Government Railroad on the Army supply base at South Brooklyn, N. Y.; to the Committee on Military Affairs.

Also, a bill (H. R. 15375) authorizing the President to dispose of certain arms and ammunition seized in pursuance of the act approved June 17, 1917, along the Mexican border; to the Committee on Military Affairs.

By Mr. HOWARD: A bill (H. R. 15376) amending subdivision B of section 250 of the revenue act of 1918; to the Committee on Ways and Means.

By Mr. BANKHEAD: Joint resolution (H. J. Res. 428) to repeal section 8 of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes," approved June 4, 1920; to the Committee on Naval Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CURRY of California: A bill (H. R. 15377) granting an increase of pension to Nathaniel R. Taylor; to the Committee on Pensions.

By Mr. DENISON: A bill (H. R. 15378) granting a pension to Isabella Breusing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15379) granting a pension to Eveline Shepherd; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 15380) granting an increase of pension to Peter F. Weasel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15381) granting an increase of pension to Maston W. Harris; to the Committee on Pensions.

By Mr. FIELDS: A bill (H. R. 15382) granting an increase of pension to William Carey; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 15383) granting a pension to Alice Chamblin; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 15384) granting a pension to Dury M. Craft; to the Committee on Pensions.

By Mr. McFADDEN: A bill (H. R. 15385) granting an increase of pension to Leon P. Chesley; to the Committee on Pensions.

By Mr. McKINLEY: A bill (H. R. 15386) to correct the military record of William H. Dotson; to the Committee on Military Affairs.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 15387) granting an increase of pension to Charles M. S. Ronsholdt; to the Committee on Pensions.

By Mr. McPHERSON: A bill (H. R. 15388) to correct the military record of Abram Jones; to the Committee on Military Affairs.

Also, a bill (H. R. 15389) granting a pension to John J. Roberts; to the Committee on Pensions.

By Mr. PETERS: A bill (H. R. 15390) granting a pension to Vinnie E. Saunders; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15391) granting a pension to Elizabeth N. Coombs; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 15392) granting a pension to Sarah Harrington; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 15393) granting a pension to Laura E. Pengelly; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4714. By the SPEAKER (by request): Report of the Federal grand jury for the southern division of the western district of the State of Washington, regarding investigation made of violations of the Harrison Act; to the Committee on Interstate and Foreign Commerce.

4715. Also (by request), petition of the Holy Name Society of St. Mary's Catholic Church, of Rutherford, N. J., opposing the passage of the Smith-Towner bill; to the Committee on Education.

4716. By Mr. CAREW: Petition of the Foreign Commerce Association of the Pacific Coast, of San Francisco, Calif., regarding tariff on oil, etc.; to the Committee on Ways and Means.

4717. By Mr. CURRY of California: Petition of the Rhodora Club, of Stockton, Calif., protesting against the passage of bill H. R. 12466; to the Committee on the Public Lands.

4718. By Mr. ELSTON: Petition of the American Committee of Justice, composed of citizens of California, relative to oriental immigration; to the Committee on Immigration and Naturalization.

4719. By Mr. FULLER of Illinois: Petition of the Belden Manufacturing Co., of Chicago, favoring the passage of the Nolan Patent Office bill; to the Committee on Patents.

4720. Also, petition of the J. D. Hollingshead Co., of Chicago, Ill., favoring 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

4721. Also, petition of the Western Range Stockmen's Convention, favoring tariff on meat, hides, wool, etc.; to the Committee on Ways and Means.

4722. Also, petition of Frank H. Bass, of Chicago Heights, Ill., favoring legislation to protect the dye industry; to the Committee on Ways and Means.

4723. By Mr. JOHNSON of Washington: Petition of various citizens of Tacoma, Wash., favoring the passage of bill H. R. 10925; to the Committee on Interstate and Foreign Commerce.

4724. By Mr. KAHN: Petition of prominent San Francisco merchants, urging passage of the bill (H. R. 7204) to incorporate certain American companies in China; to the Committee on the Judiciary.

4725. By Mr. O'CONNELL: Petition of the Consolidated Marine Engineers' Beneficial Association, No. 33, of New York City, opposing the passage of Senate bill 4024; to the Committee on Military Affairs.

4726. Also, petition of the National Rivers and Harbors Congress, New York City, regarding the improvement of the waterways of the country; to the Committee on Rivers and Harbors.

4727. Also, petition of G. O. Tuck & Co. and the Star Piano Co., of New York, regarding reduction of taxes; to the Committee on Ways and Means.

4728. Also, petition of the Silk Association of America, favoring daylight saving laws; to the Committee on Interstate and Foreign Commerce.

4729. By Mr. PETERS: Petition of Thomas A. Brennon and 47 others, employees in the post office at Augusta, Me., for increase in salaries, vacation and sick leave allowance, and civil board of appeals; to the Committee on the Post Office and Post Roads.

4730. By Mr. RIDDICK: Petition of Mr. R. L. Thompson and sundry other citizens of Stanford, Mont., urging relief for the farmers of the country; to the Committee on Agriculture.

4731. By Mr. SMITH of Michigan: Papers to accompany bill (H. R. 15003) granting a pension to Sarah J. Pratt; to the Committee on Invalid Pensions.

4732. Also, petition of the Barley Motor Car Co., of Kalamazoo, Mich., urging the appointment of a conference committee to confer with the Senate regarding the Nolan Patent Office bill; to the Committee on Patents.

4733. By Mr. SNELL: Resolution of the Board of Supervisors of St. Lawrence County, at Canton, N. Y., approving the improvement of the St. Lawrence River; to the Committee on Interstate and Foreign Commerce.

4734. Also, resolution of the Clinton County Pomona Grange, of Plattsburg, N. Y., protesting against smuggling of liquor across the Canadian border; to the Committee on the Judiciary.

4735. By Mr. SNYDER: Petition of the Utica (N. Y.) Homestead Aid Association, for an amendment to the income tax law whereby incomes not exceeding \$500 derived from investments in savings shares or domestic building and loan associations or cooperative banks shall be exempted from the operation of the law; to the Committee on Ways and Means.

4736. Also, petition of Council 109, Sons and Daughters of Liberty, of Herkimer, N. Y., favoring restriction of immigration; to the Committee on Immigration and Naturalization.

4737. By Mr. STINESS: Petition of the Newport County (R. I.) Women's Republican Club, indorsing the Sheppard-Towner bill for the protection of maternity and infancy; to the Committee on Interstate and Foreign Commerce.

4738. By Mr. TINKHAM: Petition of the Associated Industries of Massachusetts, favoring reduction of taxes and expenses of the Government; to the Committee on Ways and Means.

## HOUSE OF REPRESENTATIVES.

TUESDAY, December 28, 1920.

The House met at 12 o'clock noon.

Rev. Milton O. Beebe, chaplain United States Army, offered the following prayer:

We acknowledge Thy sovereignty, our God, in all things of life. So powerful art Thou and yet so merciful that we can call upon Thy name for inspiration, guidance, and leadership. Wilt Thou deign to bless us this day. May we be gratefully conscious of Thy controlling presence and strive to preserve this, knowing that Thou wilt give the mountain-top experiences of life to those who trust in Thee.

We acknowledge Thy hand in our national life. We beg that wisdom divine shall be granted to these devoted men who lay down its policies and formulate its laws. May the spirit of Him whose birth we have just celebrated soften and shape our relations with other lands and peoples that we, a chosen people, may be grandly used of Thee in the new year that is before us. Amen.

The Journal of the proceedings of yesterday was read and approved.

### THE PRIVATE CALENDAR.

The SPEAKER. By special order the House will to-day proceed with the Private Calendar, commencing where it left off yesterday.

### WILSON CERTAIN.

The first business on the Private Calendar was the bill (H. R. 13319) to remove the charge of desertion against Wilson Certain.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, in this case the claimant has never done a day's service in his whole life in behalf of his flag during war time. He was enrolled in August, 1862. His company was not mustered into service until October 13, 1862, and at that time he was sick at home, and because of his being sick with typhoid fever he was granted leave, and he never did enter the service after that, although his country was in the throes of war for four long years. Now, in his old age, he being destitute, and having a chance of getting a pension, he admits that he never found out that this record was against him until he tried to get it. He wants the record removed, and I can not blame his Congressman for trying to do all that he can for him, but I am sure that in all of these cases down deep in the heart of every Representative in this Congress there is no sympathy for a man who deserts

from the Army and waits for 55 years, as some of them have, before they try to get their record as an honest citizen and as a brave soldier cleared. And I am bound to object.

Mr. GOOD. I hope the gentleman will not object. He hardly states the situation correctly.

Mr. BLANTON. I am stating what The Adjutant General, P. C. Harris, reports to the committee. That is exactly what The Adjutant General has reported.

Mr. GOOD. Now the situation is this: Wilson Certain enlisted, as the gentleman has stated, in August, 1862. I happen to know him personally. He can neither read nor write.

Mr. BLANTON. Now, right there. Every old man, 80 years of age, who can neither read nor write, and who is destitute, constitutes a pitiable case and appeals to the sympathy of the gentleman.

Mr. GOOD. No; he is not destitute, and that is not what I wanted to bring to the gentleman's attention. Certain enlisted in 1862 and went to Davenport, Iowa, where he was mustered into the service, and while his company was there he was stricken with typhoid fever. He was sent to his home at Marion and remained there until he thought he had been cured. He then went to St. Louis to rejoin his company after a sickness of four or five months. There he was examined by the Surgeon General, who told him he was not fit for service, and he then called on Maj. Robert Smyth, paymaster in the Army, stationed at St. Louis. Robert Smyth came from the same town that Certain came from. He told him he would procure a discharge for him. Maj. Smyth gave him his transportation and also \$6 out of his own pocket to pay for his subsistence while he was going home. He went home believing he would be immediately discharged. He is an ignorant man. He did not know but what the discharge had been granted. He supposed it had been. Here are the affidavits of his neighbors that he was right at home working on the farm all the time. He told his neighbors that he was discharged, and he believed that he was discharged, and he was going about in the ordinary way of anyone. All of the time he was a weakly, sick man, suffering from the results of typhoid fever. An affidavit found among the papers of Capt. Robert Stinson, who was his captain, shows that the discharge papers had been made out, and all they needed was the signature of the captain. Those were found among the private papers, as I have said, of Robert Stinson after his death, as shown by the records in this case.

I do not think this man cares about a pension. If there is anything that the gentleman wants to put on the bill by way of amendment to the effect that Certain shall not receive a pension at all, let him do so; but I do think this old man ought to have this stigma of being a deserter removed. He thought he had been discharged. Every act of his life goes to substantiate that, as the gentleman will see by the record.

But now by making an objection the gentleman from Texas will cause this man to go into his grave with the record that he was a deserter, when he was told to go home and he would be discharged, and he felt all the time that he had been discharged. If he wanted to desert, he would not have gone back to St. Louis when he got better, as the gentleman knows, and that is all shown by the records of the War Department. After he had this sickness he went back to St. Louis, and there was told by the Surgeon General and the paymaster that he would be unable to perform service for months, and so transportation was given to him to go back to his home, and he was told that he would be given a discharge. That is all there is to it.

Mr. BLANTON. The gentleman has stated certain facts, but I want to supplement them with other facts that throw light on the case. When Certain went to St. Louis six months after his company had been mustered in, and after he had recovered, as he thought, from typhoid fever, he did not report to a single Army officer who could have taken charge of him at that time. He did report to a certain paymaster, but that paymaster did not have control over him, and he reported to a certain doctor, but the doctor did not have any control over him.

Mr. GOOD. He was a surgeon—

Mr. BLANTON. He was a surgeon, but he did not have any control over him.

Mr. GOOD. Suppose the gentleman from Texas and myself were in this man's place, that we were unable to read or write, that we knew that the paymaster came from our own town, where would we have gone? We would have gone to see the paymaster, our neighbor, would we not?

Mr. BLANTON. What I want to call to the attention of the great chairman of the Committee on Appropriations of this Congress is this: After that I understand he went back to his home in 1862, and after he had farmed for some time, what prevented him from going back into the service in 1863? And what prevented him from going back into the service in 1864?